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House of Representatives

The House met at 12:30 p.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader, or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

PROVIDING PERMANENT TAX CUTS

Mr. WELLER. Mr. Speaker, I come to the floor today to draw attention to an issue that so many in this House have worked on over the last several years and that is an issue of fairness.

Over the last several years we have asked a basic question. Is it right, is it fair, that under our tax code a married working couple, where both the husband and wife are in the workforce, pay higher taxes than if they chose not to get married? That is an issue I was so pleased and when this House under the gentleman from Illinois' (Mr. HASTERT) leadership and with the leadership of the gentleman from California (Mr. THOMAS) of the Ways and Means Committee, that we succeeded as part of what is now known as the Bush tax cut, succeeded in passing legislation which eliminated the marriage tax penalty for almost 43 million married working couples who on average paid $1,700 more in higher taxes.

Let me give my colleagues an example of a married couple from Joliet, Illinois. This is Jose and Magdalena Castillo. They are laborers in Joliet, Illinois. They have a combined income of about $85,000. Their marriage tax penalty prior to the Bush tax cut was about $1,125 that Jose and Magdalena paid in higher taxes just because they are married. I also want to introduce their children, Eduardo and Carolina Castillo, and their benefit of the Bush tax cut from the doubling of the $500 per child tax credit as well. Of course, that was $500. We raised that to $1,000.

Here is the issue. Unfortunately, there are some arcane rules over in the other body which may require that the Bush tax cut sunset in the year 2011. What that means is in a few years, elimination of the marriage tax penalty and the $1,000 per child tax credit that the Castillo family benefits from will be eliminated, which means that their taxes will go up. Taxes go up $1,000 per child, as well as at least $1,125 a year when the marriage tax penalty elimination expires.

We had a very, very important vote, an important vote that was important for families like Jose and Magdalena Castillo on this House floor 2 weeks ago, and that vote was on making the Bush tax cut permanent. What that vote was all about was whether or not to impose a tax increase on over 100 million American taxpayers who benefit from the Bush tax cut, because if we fail to make the Bush tax cut permanent, which lowered rates for all taxpayers, which provided opportunities to set aside more in an IRA and a 401(k) and an education savings account, eliminated the marriage tax penalty for 43 million company couples like Jose and Magdalena Castillo, and also wiped out the death tax so we can keep the family farm and the family business in the family and in business when the founder passes on.

Unfortunately, as I said earlier, it is going to expire, and unfortunately, our friends on the other side of the aisle overwhelmingly on the Democratic side voted to increase taxes by opposing efforts to make permanent the Bush tax cut. That is why I think it is very, very important that we put a human face on those who would suffer and be hurt by Democratic efforts to raise taxes once again, by either suspending, eliminating or preventing the permanency of what we now call as the Bush tax cut.

As I said earlier, there are 43 million couples like Jose and Magdalena Castillo who benefit from the marriage tax penalty relief in the Bush tax cut, and in this case, Jose and Magdalena also benefit from $1,000 per child tax credit which helps families with children. They would also lose that if we fail to make the Bush tax cut permanent.

It is often said, and those who argue against cutting taxes always say, that if someone pays taxes they are rich. We know that over 100 million Americans benefit from the Bush tax cut. Some of those who really truly benefited are 3.9 million Americans who no longer pay Federal income taxes because of the Bush tax cut that we moved through this House of Representatives, thanks to the leadership of the gentleman from Illinois (Mr. HASTERT), and if the Democrats succeed in rescinding or repealing or preventing the permanency of the Bush tax cut, 3.9 million Americans, including 3 million Americans with children, will once again be placed back on the tax rolls. Voting against permanency of the Bush tax cut is a tax increase.

Let me go back to the issue which I first raised at the beginning of my remarks, and that is the whole issue of fairness. The tax code is complicated, and prior to the Bush tax cut, the complications of our Federal income tax forced 43 million Americans like Jose and Magdalena Castillo to pay higher taxes just because they are married.

What caused that is Jose and Magdalena are each in the workforce, they each work as laborers, and when

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someone gets married, they file their taxes jointly which pushes them into a higher tax bracket. We fixed that in the Bush tax cut. Let us make marriage tax elimination permanent.

My hope is before the end of this year that our friends in the other body as well as our friends on the other side of the aisle will work with us to help couples like Jose and Magdalena Castillo.

PROVIDING A PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the order of the House of January 23, 2002, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I came to the floor today to talk about prescription drugs, how little this Congress is doing to provide a prescription drug benefit and how this body is doing even less to control the cost of prescription drugs, but I feel compelled to comment on the previous speaker's comments.

It is always nice to put a nice-looking family's picture in front of TV viewers and in front of this Congress and this Chamber and in front of the gallery to show how we care about people in this country, but the picture that he should have put in front of the voters, in front of the viewer, in front of this body is a picture of Ken Lay of Enron which got literally hundreds of millions of dollars in tax breaks as a result of the Bush administration's fervor for cutting taxes overwhelmingly for the rich and his fervor for protecting every corporate interest in the country and his fervor for giving tax giveaways, tax breaks to all of the biggest corporations in the country.

Six months ago this Congress gave $5 billion to the airlines in tax breaks, and in this case, in airlines, simply subsidies and in terms of just dollars from the Federal Treasury, but did nothing for laid-off workers. Similarly, the Bush tax program that my friend from Illinois just mentioned as he put the picture of a nice working-class family, that tax benefit goes overwhelmingly to the richest people in this country.

Last year 100 million people, he said, in America benefited from the tax cut. That may be true. People got a check for $300, but 43 percent of all the tax benefits from the Bush tax cut goes to the 1 percent richest people in this country. Eighty percent of the benefits go to the 10 percent wealthiest people in this country.

What does that say? It says that Congress last year and last week, as it did it again, made a choice. They made a choice. Do we give tax cuts to Ken Lay and Enron and United Airlines and the biggest corporations and the richest individuals in this country, or do we provide a prescription drug benefit to 15 million senior citizens who have no drug coverage? We made a choice. The Republicans in this body last week and last year made a choice. Do we cut taxes on the richest people in the country, on the largest corporations in the country and a few dollars from the rest of us, or do we pass legislation that provides money for education?

On issue after issue after issue, this Congress made the choice. It sides with corporate interests, on the chemical company on arsenic legislation. It sides with the insurance companies on privatizing Medicare. It sides with Wall Street in privatizing Social Security. It sides with the oil industry in writing environmental policy. It sides with Enron when writing energy policy. That is a choice. The choice is do we do what is right for the great majority of Americans or do we take the side of the wealthiest or the biggest corporations and the wealthiest individuals?

That picture, notwithstanding that my friend from Illinois put up, the fact is that that family may have gotten a little bit of money back in tax cuts, but that family will not be eligible for a prescription drug benefit because Congress, as they get older, because Congress will not do anything about prescription drugs because the money is not there. I repeat, Congress made the choice last week and made the choice last year, do my colleagues want a prescription drug benefit for the elderly or do they want to give tax cuts to the richest people in the country and the largest corporations in the country? Do they want to fully fund the education programs in this country that Congress says it wants to fund or do they want to give those tax breaks again to the wealthiest people? Do they fund our Medicare system which cuts payments for home healthcare, which cuts doctors' fees too much, which cuts hospitals, especially city hospitals in intercity and rural hospitals, or do they want to fund them properly or do they want to give away tax breaks to the richest citizens?

That is the choice we make here every day. That is the difference between Republicans and Democrats. Do we move forward and provide prescription drug benefits, provide for education, provide for Head Start, provide for food safety inspections, provide for strong environmental laws, or do we do the bidding of corporate America on issue after issue after issue? Give them the big tax breaks, weaken environmental laws, weaken food safety laws, weaken laws that protect the American public?

That is the choice we make. That is the choice that Congress made that was wrong in the last year and that the President and the administration has made. That is wrong. That is why we need to correct it.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 44 minutes p.m.), the House stood in recess until 2 p.m. today.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Preserved in Your grace, O Lord, at times we may seem at a standstill. But momentary inactivity may mean a fermenting of resolve.

Lord, grant to the Members of the House of Representatives a patience to listen to deepest convictions buried within the heart and their delegation. Inspire a practical wisdom that is wrapped in the art of timing.

Help all of Your people of this great Nation grow in perseverance. Deliver them from headline success, pollster popularity, and personal insecurity. Strengthened by faith in You, may quiet and stronger commitments prevail and produce enlightened options born of creative repression. Let yesterday's setbacks and compromise only store up energy for tomorrow's leap forward.

By taking one step at a time, may every American persevere in pursuing higher goals than those found in immediate satisfaction. May we prove faithful in seeking Your plan for us before reaction to every circumstance, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. COBLE) come forward and lead the House in the Pledge of Allegiance.

Mr. COBLE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TRIBUTE TO THADDEUS STEVENS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, on this day 136 years ago, one of the predecessors from my congressional district, a man named Thaddeus Stevens, stood in this Chamber and introduced the 14th

amendment to the Constitution. The Civil War was over, but African Americans still were not guaranteed the rights of citizens. The 13th amendment had banned slavery, but many States were still refusing basic rights to black people.

In 1868, Thaddeus Stevens of Lancaster, Pennsylvania introduced the 14th amendment to fix that. His amendment guaranteed that all persons born in the United States were citizens, not just of this country, but also of the State where they lived. Thaddeus Stevens fought hard for the 14th amendment.

However, the 14th amendment was not enough for him. He wanted full equality among the races, but that was too much for his contemporaries. Disappointed, Stevens said that he would ''Take all I can get in the cause of humanity and leave it to be perfected by better men in better times.''

Stevens died soon afterwards and was buried in the only cemetery in Lancaster that did not discriminate. His tombstone reads this way: ''I repose in this quiet and secluded spot, that I might illustrate in my death the principes which I advocated through a long life: equality of man before his Creator.''

Mr. Speaker, Thaddeus Stevens was a great man indeed.

THE GIRL SCOUTS ARE A FIRST CLASS ORGANIZATION

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, when the Girl Scouts came to call on me for their annual visit to give me Girl Scout cookies, I said to them, I never hear from you all except at cookie time. They said, well, why not talk about us from time to time. So today I am going to talk about the Girl Scouts, Mr. Speaker.

Mr. Speaker, the Girl Scouts of the USA is the world's preeminent organization dedicated solely to girls, all girls where, in an accepting and nurturing environment, they build character and skills for success in the real world. In partnership with committed adult volunteers, girls develop qualities that will serve them all of their lives, like leadership, strong values, social conscience and conviction about their own potential and self-worth. Today, there are 3.7 million Girl Scouts, 2.7 million girl members, and 915 adult members.

Mr. Speaker, I encourage my colleagues to continue to purchase and consume Girl Scout cookies, but let us promote them year-round. The Girl Scouts are, indeed, a first-class organization.

TAINTED WATER SUPPLY AT YUCCA MOUNTAIN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, on such a beautiful sunny day here in the Nation's Capitol, do we not think it might be refreshing to once in a while have a drink from a glass of cool refreshing water? Would we trust that water if it was from a well in southern Nevada 20 years from now?

Well, Mr. Speaker, are my colleagues aware that Yucca Mountain, Nevada, the space designated for the world's high-level nuclear waste dump, sits on a water reservoir? And are my colleagues aware that the Department of Energy has admitted that the rate of water infiltration into Yucca Mountain is 100 times higher than that which the Federal Government originally intended for the site? And did my colleagues know that even the smallest earthquake at Yucca Mountain could jar the repository, could break the casks that hold this high-level nuclear waste? If my colleagues knew that this glass of water may contain radioactive nuclides from spent fuel, they would not drink it.

Well, Mr. Speaker, Nevadans will not either. Storing spent fuel at Yucca Mountain, Nevada is a dangerous endeavor and needs to be stopped, for Nevada and for every American.

NATO EXPANSION SHOULD INCLUDE ROMANIA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise to express my strong support for Romania's membership into NATO. I was warmly welcomed to Cluj-Napoca, the sister city of Columbia, South Carolina, and I have seen firsthand as the roots of democracy flourish in Romania.

A recent article in The Washington Post cited the successful reform efforts of Romania, as well as the cooperation that Romania has offered to America to fight the war on terrorism. Romania has unconditionally opened its airspace to its allies with 20 NATO military flights daily. Its brave young men and women serve as peacekeepers in Kabul, and the Romanian government has offered a specialized mountain unit for service in the rugged terrain in Afghanistan.

I commend the efforts of Ambassador Sorin Ducaru, Foreign Minister Mircea Geoana, and Deputy Chief of Mission Stelian Stoian for their continuing important reforms and for joining the war on terrorism. Romania is proving itself as a trustworthy ally and should be granted membership to NATO with its neighbor, Bulgaria.

TANF REAUTHORIZATION

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, as we approach the reauthorization of TANF, let us be mindful of the fact that 75 percent of all new jobs are created in suburban communities, outside large inner cities. If we are to be successful with moving people from welfare to work, then we must make sure that there is adequate money, resources for transportation, so that the people can get from where there are virtually no jobs to where the jobs are.

Mr. Speaker, let us make sure that transportation is a part of TANF reauthorization so that people can get from welfare to where the jobs are.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on motions to suspend the rules, but not before 6:30 p.m. today.

NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 169) to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws; to require that each Federal agency post quarterly on its public Web site, certain statistical data relating to Federal sector equal employment opportunity complaints filed with such agency; and for other purposes.

The Clerk read as follows:

Senate Amendments:

Page 2, line 6, strike out ''2001'' and insert ''2002''.

Page 2, in the table of contents, strike out

''TITLE I—GENERAL PROVISIONS''

''Sec. 101. Findings.''
''Sec. 102 Definitions.''
''Sec. 103 Effective date.''

and insert

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.
Sec. 102. Sense of Congress.
Sec. 103. Definitions.
Sec. 104. Effective date.

Page 2, in the table of contents, strike out

''Sec. 206 Study by the General Accounting Office regarding exhaustion of administrative remedies.''

and insert

''Sec. 206. Studies by General Accounting Office on exhaustion of remedies and certain Department of Justice costs.''

Page 2, strike out all after line 9 over to and including line 13 on page 4 and insert:

SEC. 101. FINDINGS.

Congress finds that—

(1) Federal agencies cannot be run effectively if those agencies practice or tolerate discrimination;

(2) Congress has heard testimony from individuals, including representatives of the National Association for the Advancement of Colored People and the American Federation of Government Employees, that point to chronic problems of discrimination and retaliation against Federal employees;

(3) in August 2000, a jury found that the Environmental Protection Agency had discriminated against a senior social scientist, and awarded that scientist $600,000;

(4) in October 2000, an Occupational Safety and Health Administration investigation found that the Environmental Protection Agency had retaliated against a senior scientist for disagreeing with that agency on a matter of science and for helping Congress to carry out its oversight responsibilities;

(5) there have been several recent class action suits based on discrimination brought against Federal agencies, including the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, and Firearms, the Drug Enforcement Administration, the Immigration and Naturalization Service, the United States Marshals Service, the Department of Agriculture, the United States Information Agency, and the Social Security Administration;

(6) notifying Federal employees of their rights under discrimination and whistleblower laws should increase Federal agency compliance with the law;

(7) requiring annual reports to Congress on the number and severity of discrimination and whistleblower cases brought against each Federal agency should enable Congress to improve its oversight over compliance by agencies with the law; and

(8) requiring Federal agencies to pay for any discrimination or whistleblower judgment, award, or settlement should improve agency accountability with respect to discrimination and whistleblower laws.

SEC. 102. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Federal agencies should not retaliate for court judgments or settlements relating to discrimination and whistleblower laws by targeting the claimant or other employees with reductions in compensation, benefits, or workforce to pay for such judgments or settlements;

(2) the mission of the Federal agency and the employment security of employees who are blameless in a whistleblower incident should not be compromised;

(3) Federal agencies should not use a reduction in force or furloughs as means of funding a reimbursement under this Act;

(4)(A) accountability in the enforcement of employee rights is not furthered by terminating—

(i) the employment of other employees; or

(ii) the benefits to which those employees are entitled through statute or contract; and

(B) this Act is not intended to authorize those actions;

(5)(A) nor is accountability furthered if Federal agencies react to the increased accountability under this Act by taking unfounded disciplinary actions against managers or by violating the procedural rights of managers who have been accused of discrimination; and

(B) Federal agencies should ensure that managers have adequate training in the management of a diverse workforce and in dispute resolution and other essential communication skills; and

(6)(A) Federal agencies are expected to reimburse the General Fund of the Treasury within a reasonable time under this Act; and

(B) a Federal agency, particularly if the amount of reimbursement under this Act is large relative to annual appropriations for that agency, may need to extend reimbursement over several years in order to avoid—

(i) reductions in force;

(ii) furloughs;

(iii) other reductions in compensation or benefits for the workforce of the agency; or

(iv) an adverse effect on the mission of the agency.

Page 4, line 14, strike out ''102.'' and insert ''103''.

Page 4, line 18, strike out ''agency,'' and insert ''agency'';

Page 4, line 21, strike out ''303,'' and insert ''303'';

Page 4, line 25, strike out ''Commission,'' and insert ''Commission'';

Page 5, line 2, strike out ''agency,'' and insert ''agency'';

Page 5, line 5, strike out ''agency,'' and insert ''agency'';

Page 5, line 9, strike out ''103.'' and insert ''104''.

Page 6, line 3, strike out ''(c),'' and insert ''(c)'';

Page 6, line 19, strike out ''of the'' and insert '','';

Page 7, line 2, strike out ''of the'' and insert '','';

Page 7, strike out lines 3 and 4

Page 7, line 14, strike out ''law,'' and insert ''law'';

Page 7, line 15, strike out ''if to the extent that'' and insert ''if, or to the extent that'',

Page 8, line 8, after ''ate,'' insert ''the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency,''

Page 8, line 14, strike out ''alleged,'' and insert ''alleged'';

Page 8, line 16, strike out ''(1),'' and insert ''(1)'';

Page 8, line 21, strike out ''any,'' and insert ''any'';

Page 8, line 25, strike out ''(1),'' and insert ''(1)'';

Page 9 , line 3, strike out '', and'' and insert '';''

Page 9, strike out lines 4 through 14 and insert

(6) a detailed description of—

(A) the policy implemented by that agency relating to appropriate disciplinary actions against a Federal employee who—

(i) discriminated against any individual in violation of any of the laws cited under section 201(a) (1) or (2); or

(ii) committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a) (1) or (2); and

(B) with respect to each of such laws, the number of employees who are disciplined in accordance with such policy and the specific nature of the disciplinary action taken;

(7) an analysis of the information described under paragraphs (1) through (6) (in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with part 1614 of title 29 of the Code of Federal Regulations) including—

(A) an examination of trends;

(B) causal analysis;

(C) practical knowledge gained through experience; and

(D) any actions planned or taken to improve complaint or civil rights programs of the agency; and

(8) any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201.

Page 9, strike out lines 18 and 19 and insert ''years (or, if data are not available for all 5 fiscal years, for each of those 5 fiscal years for which data are available)''.

Page 9, line 23, strike out ''title,'' and insert ''title'';

Page 9, strike out all after line 23 over to and including line 6 on page 10 and insert

(2) rules to require that a comprehensive study be conducted in the executive branch to determine the best practices relating to the appropriate disciplinary actions against Federal employees who commit the actions described under clauses (i) and (ii) of section 203(a)(6)(A); and

Page 10, line 20, strike out ''guidelines,'' and insert ''guidelines'';

Page 10, lines 22 and 23, strike out ''guidelines,'' and insert ''guidelines'';

Page 11, strike out all after line 9 over to and including line 16 on page 12 and insert

SEC. 206. STUDIES BY GENERAL ACCOUNTING OFFICE ON EXHAUSTION OF ADMINISTRATIVE REMEDIES AND ON ASCERTAINMENT OF CERTAIN DEPARTMENT OF JUSTICE COSTS.

(a) STUDY ON EXHAUSTION OF ADMINISTRATIVE REMEDIES.—

(1) STUDY.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the General Accounting Office shall conduct a study relating to the effects of eliminating the requirement that Federal employees aggrieved by violations of any of the laws specified under section 201(c) exhaust administrative remedies before filing complaints with the Equal Employment Opportunity Commission.

(B) CONTENTS.—The study shall include a detailed summary of matters investigated, information collected, and conclusions formulated that lead to determinations of how the elimination of such requirement will—

(i) expedite handling of allegations of such violations within Federal agencies and will streamline the complaint-filing process;

(ii) affect the workload of the Commission;

(iii) affect established alternative dispute resolution procedures in such agencies; and

(iv) affect any other matters determined by the General Accounting Office to be appropriate for consideration.

(2) REPORT.—Not later than 90 days after completion of the study required by paragraph (1), the General Accounting Office shall submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Equal Employment Opportunity Commission, and the Attorney General a report containing the information required to be included in such study.

(b) STUDY ON ASCERTAINMENT OF CERTAIN COSTS OF THE DEPARTMENT OF JUSTICE IN DEFENDING DISCRIMINATION AND WHISTLEBLOWER CASES.—

(1) STUDY.—Not later than 180 days after the date of enactment of this Act, the General Accounting Office shall conduct a study of the methods that could be used for, and the extent of any administrative burden that would be imposed on, the Department of Justice to ascertain the personnel and administrative costs incurred in defending in each case arising from a proceeding identified under section 201(a) (1) and (2).

(2) REPORT.—Not later than 90 days after completion of the study required by paragraph (1), the General Accounting Office shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report containing the information required to be included in the study.

Page 12, after line 16, insert

(c) STUDIES ON STATUTORY EFFECTS ON AGENCY OPERATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the General Accounting Office shall conduct—

(A) a study on the effects of section 201 on the operations of Federal agencies; and

(B) a study on the effects of section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) on the operations of Federal agencies.

(2) CONTENTS.—Each study under paragraph (1) shall include, with respect to the applicable statutes of the study—

(A) a summary of the number of cases in which a payment was made in accordance with section 2414, 2517, 2672, or 2677 of title 28, United States Code, and under section 1304 of title 31, United States Code;

(B) a summary of the length of time Federal agencies used to complete reimbursements of payments described under subparagraph (A); and

(C) conclusions that assist in making determinations on how the reimbursements of payments described under subparagraph (A) will affect—

(i) the operations of Federal agencies;

(ii) funds appropriated on an annual basis;

(iii) employee relations and other human capital matters;

(iv) settlements; and

(v) any other matter determined by the General Accounting Office to be appropriate for consideration.

(3) REPORTS.—Not later than 90 days after the completion of each study under paragraph (1), the General Accounting Office shall submit a report on each study, respectively, to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Attorney General.

Page 12, after line 16, insert

(d) STUDY ON ADMINISTRATIVE AND PERSONNEL COSTS INCURRED BY THE DEPARTMENT OF THE TREASURY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall conduct a study on the extent of any administrative and personnel costs incurred by the Department of the Treasury to account for payments made in accordance with section 2414, 2517, 2672, or 2677 of title 28, United States Code, and under section 1304 of title 31, United States Code, as a result of—

(A) this Act; and

(B) the Contracts Dispute Act of 1978 (41 U.S.C. 601 note; Public Law 95–563).

(2) REPORT.—Not later than 90 days after the completion of the study under paragraph (1), the General Accounting Office shall submit a report on the study to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Attorney General.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 169 now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Federal Government must be the role model for civil rights, not for civil rights violations. For far too long there has been little accountability which Federal agencies discriminate and retaliate against their employees. I am happy to say that this is about to change with the enactment of the No FEAR bill, a bill that I introduced, together with the gentlewoman from Texas (Ms. JACKSON-LEE), and the gentlewoman from Maryland (Mrs. MORELLA), after a yearlong investigation.

That investigation, as well as several General Accounting Office investigations, indicated a serious problem in the Federal Government. The congressional investigation found evidence that a Federal agency was allowing discrimination and retaliation against its employees. This evidence was supported by the GAO reports that investigated discrimination in the Federal workforce during the 1990s and found that complaints of discrimination by Federal agencies grew tremendously.

In fact, by 1999, the number of such complaints to the EEOC increased by almost 130 percent over the number of complaints in 1991. The GAO reported that complaints alleging retaliation against employees who had participated in the complaint process also increased.

The problem in the Federal workforce is threefold. First, because of inadequate notification requirements, many employees are not aware of their rights and many managers are not aware of their responsibilities. Second, Federal agencies and Congress cannot assess the extent of the problem due to inadequate reporting. Third, Federal agencies are not accountable for the misdeeds of their employees, because they simply tap the general Treasury to pay for court judgments and settlements in discrimination cases.

The No FEAR Act targets these 3 problems. The bill will require agencies to pay for all court settlements and judgments for discrimination and retaliation cases, instead of allowing the agency to use a government-wide slush fund. This will make agencies more accountable.

The bill has a notification requirement aimed at improving workforce relations by increasing managers' and employees' knowledge of their respective rights and responsibilities.

The Act also has reporting requirements that will help determine if a pattern of misconduct exists within an agency and whether that agency is taking appropriate action to address the problem. The GAO testified on May 9 that such tracking of complaints, cases, and costs are not occurring, but that it is critical to understanding whether a problem exists.

As the National Taxpayers Union stated in urging Congress to enact the legislation, ''The No FEAR Act promotes the virtues of fiscal responsibility and accountability in government.'' And, as Jack White of Time Magazine stated, the No FEAR bill is the ''first new civil rights law of the 21st century.''

The No FEAR Act passed the House back in October of 2001 with a 420 to zero vote. The Senate, after 6 months, finally passed the bill and sent it back here with a few minor changes to the reporting requirements and 2 new GAO studies.

In closing, Mr. Speaker, this bill never would have happened without the hard work of Dr. Marsha Coleman-Adebayo, the Federal whistleblower who brought this issue to the forefront; Mr. Leroy Warren of the NAACP, and Steven Kohn of the National Whistle Blowers Center.

Mr. Speaker, the Federal Government should be a model of the best practices for a fair and open work environment. That was not the case in the 1990s, but must be the case in the 21st century. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, though this might seem to be a little bit flowery, there are often times when we bring legislation to the floor of the House that has worked its will, and it makes a difference and it changes lives, and we are glad that it passed.

□ 1415

But sometimes we can call legislation a labor of love, and I would like to think that the work that the chairman of the Committee on the Judiciary has done symbolizes that.

I would like to personally thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for having the stick-to-it-iveness to collaborate with me and to be responsive to issues that came to our attention when we were members of the Committee on Science. The gentleman from Wisconsin was chairman, and I was a member of that committee. I remain a member of that committee and the Committee on the Judiciary, and we remain colleagues working together. This legislation represents a challenge to all of us.

Finally, the story has a positive ending. It represents changing lives. Mr. Speaker, I might say, some lives were lost. This is an important initiative on the floor of the House today. Because of its importance, I took all necessary means from Texas to get here on time, and I am glad I just made it.

But let me speak to the No FEAR Act regarding the legislation that is now before us that has come to us from the United States Senate. This is a major step in our fight to end the insidious practice of discrimination and

retaliation in our Nation's Federal workforce.

Mr. Speaker, in the fiscal year 2000, Federal employees filed nearly 25,000 complaints against Federal agencies through the EEOC process. These complaints resulted in over $26 million in discrimination complaint settlements and judgments, with an average process time of 384 days per complaint in 1998, while a case traveling through the entire complaint process, from filing through appeal, could take up to 38 months.

Some would say that is a waste of money. Some would say that this legislation will, in fact, save the government money by creating an atmosphere of tolerance and nondiscrimination, as the chairman said, in the 21st century. These numbers and process times indicate that discrimination is pervasive now in our Federal workplace, and we must change it.

Under the Civil Rights Act of 1964, it is illegal to discriminate against Federal employees on the basis of race, color, sex, religion, national origin, age, or disability. These laws have taken us a long way towards ensuring equality, job security, and the rule of law in the Federal workplace by protecting Federal employees from retaliation when filing complaints against either the agency or other employees of the Federal Government who act in supervisory roles.

Currently, Federal whistleblowers may file reprisal complaints with the Office of Special Counsel, the Merit System Protection Board, the Department of Labor, the Occupation and Safety Health Administration, OSHA. Federal whistleblowers are protected under several Federal laws, the primary one being the Whistleblower Protection Act of 1989.

But the number of actions and extensive process times indicate that this legislation is greatly needed. The No FEAR Act is instructive and important. Since its introduction in the 106th Congress as H.R. 5516, the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2000, No FEAR, has stood for the principle that Federal employees should have no fear reporting discriminatory behavior by their Federal agency employers.

Like its predecessor, the legislation before us today, H.R. 169, demands that agencies be held accountable for their misdeeds, but H.R. 169 expands accountability through the entire Federal Government.

The American Federation of Government Employees have No FEAR because we are here to work with them. We know of the conscientious and well-meaning and hardworking Federal employees, and we affirm them today. The only thing this legislation attempts to do is to work with them to ensure that we have a Federal workplace that all of us can be proud of.

Let me put a face on this problem, Mr. Speaker. On October 2, 2000, the House Committee on Science held a hearing entitled ''Intolerance at EPA, Harming People, Harming Science.'' That is when our hero, Dr. Marsha Coleman-Adebayo, an EPA whistleblower, won a $600,000 jury decision against EPA for race and sex discrimination under Title VII of the Civil Rights Act of 1964.

During that hearing, then chairman of the Committee on Science, the gentleman from Wisconsin (Mr. SENSENBRENNER) illuminated the dangerous precedent set by the EPA, stating ''While EPA has a clear policy on dealing with employees who discriminate, harass, or retaliate against other EPA employees, no one apparently involved in the Coleman-Adebayo or Nolan cases have yet to be disciplined by EPA.''

Here is what we have: We have a situation where Dr. Coleman-Adebayo was faced with constant harassment and discrimination, and it did not change. Could Members imagine that in a subsequent report, those employees that discriminated against her were applauded and complimented for their work? Do Members realize that in the testimony, a number of those stories that were not able to be presented personally, a number of those stories resulted in illnesses that employees suffered. One employee lost his life because of the stress.

The No FEAR bill now responds to a workplace that can be safe and hospitable.

First, the bill requires accountability throughout our Federal workplace, and disturbingly, under current law, Federal agencies are not held liable when they lose judgments. The No FEAR Act recognizes that accountability is important.

The No FEAR Act, secondly, requires Federal agencies to notify employees about any applicable discrimination and whistleblower protection laws, and report to Congress. That is a big step. If they come as new or old employees, they do not know.

Third, No FEAR recognizes Congress' intent that such legislation is necessary, but should not otherwise limit the ability of Federal employees to exercise their other rights.

Finally, No FEAR requires each Federal agency to send in an annual report to Congress listing, among other things, the number of cases the agency is involved in.

Let me applaud the Senate, Mr. Speaker, and say that I am gratified at the amendments they offered, the one expressing the sense of Congress that we should not be punitive on one side to help another side. We should not use a reduction of workforce or forced furloughs in order to pay for settlements.

I am very gratified that they have an amendment that will allow the reports to go to all committees of jurisdiction, and their third amendment that will ask for a study to see how much the cost is.

Mr. Speaker, I believe this labor of love is long overdue, creating a hospitable workplace, but applauding the working people of the Federal Government, and at the same time weeding out and pushing out discrimination.

I'd like to thank Judiciary Chairman JAMES SENSENBRENNER, Ranking Member JOHN CONYERS, and all my colleagues from both sides of the aisle for supporting this important civil rights legislation. This bill before us today, a substitute to H.R. 169 (the No Fear Act), is a major step in our fight to end the insidious practice of discrimination and retaliation in our Nation's federal workplace.

My friends, in fiscal year 2000, federal employees filed nearly 25,000 complaints against federal agencies through the EEOC process. These complaints resulted in over $26 million in discrimination complaint settlements and judgements, with an average process time of 384 days per complaint in 1998, while a case traveling through the entire complaint process from filing through appeal could take up to 38 months. These numbers and process times indicate that discrimination is pervasive in our federal workplace.

Under the Civil Rights Act of 1964, it is illegal to discriminate against federal employees on the basis of race, color, sex, religion, national origin, age, or disability. These laws have taken us a long way towards ensuring equality, job security, and the rule of law in the federal workplace by protecting federal employees from retaliation for filing complaints against either the agency or other employees of the federal government who act in supervisory roles.

Currently, federal whistleblowers may file reprisal complaints with the Office of Special Counsel (''OSC''), the Merit Systems Protection Board (''MSPB''), and the Department of Labor's Occupational Safety and Health Administration (''OSHA''). Federal whistleblowers are protected under several federal laws, the primary one being the Whistleblower Protection Act of 1989. But the numbers of actions and extensive process times indicate that further legislation is greatly needed.

Since its introduction in the 106th Congress as H.R. 5516, the Notification and Federal Employee Anti-discrimination And Retaliation Act of 2000 (No FEAR Act), has stood for the principle that federal employees should have ''no fear'' in reporting discriminatory behavior by their federal agency employers. Like its predecessor, the legislation before us today, H.R. 169, demands that agencies be held accountable for their misdeeds, but H.R. 169 expands accountability throughout the entire Federal Government.

Let me put a face on this problem. On October 2, 2000, the House Science Committee held a hearing entitled ''Intolerance at EPA—Harming People, Harming Science?'' Dr. Marshal Coleman-Adebayo, an EPA whistleblower, won a $600,000 jury decision against EPA for race and sex discrimination under Title VII of the Civil Rights Act of 1964. During that hearing, then Chairman of the Science Committee Sensenbrenner illuminated the dangerous precedent set by the EPA, stating, ''While EPA has a clear policy on dealing with employees that discriminate, harass and retaliate against other EPA employees, no one apparently involved in the Coleman-Adebayo or Nolan cases have yet to be disciplined by EPA.''

I note with concern that an internal EPA memo dated August 2, 2001 praised the managers named in Dr. Coleman-Adebayo's case

as environmental leaders without a single mention of their role in violating her civil rights. When coupled with the high profile nature of the Dr. Coleman-Adebayo's case, I believe these actions send the wrong message to EPA and federal employees.

No FEAR contains four major provisions which address this problem. First, the bill requires accountability throughout our federal workplace. Disturbingly, under current law, federal agencies are not held liable when they lose judgements, awards or compromise settlements in whistleblower and discrimination cases. This has the effect of discouraging accountability because the Federal Government pays such awards out of a government-wide judgement fund. The No FEAR Act recognizes that accountability is the cornerstone of good management policy, and as such requires that when agencies lose judgments, awards, or compromise settlements in whistleblower and discrimination cases, the responsible agency must pay for the judgment out of its own budget, rather than out of a general federal judgment fund as currently occurs.

Second, No FEAR requires Federal agencies to notify employees about any applicable discrimination and whistleblower protection laws and report to Congress and the Attorney General on the number of discrimination and whistleblower cases within each agency.

Third, No FEAR recognizes Congress' intent that such legislation is necessary but should not otherwise limit the ability of federal employees to exercise other rights available to them under federal law.

Finally, No FEAR requires each federal agency to send an annual report to Congress listing, among other things: (a) The number of cases in which an agency was alleged to have violated any of the discrimination and whistleblower statues; (b) the disposition of each of these cases; (c) the total of all monetary awards charged against the agency from these cases; and (d) the number of agency employees disciplined for discrimination or harassment.

The Senate Amendments added a new section expressing the sense of the Congress that agencies should not use a reduction in force or furloughs as a means of funding a reimbursement under the Act. This amendment also ensures that managers have adequate training in the management of a diverse workforce and in communication skills.

The Senate amendment also strengthens the bill's reporting requirements specifying that the reports must be sent to the Government Affairs Committee, the House Governmental Reform Committee and other committees of jurisdiction; requiring agencies to report on their policies relating to disciplining employees who commit prohibited personnel practices revealed in the investigation of a discrimination complaint.

Finally, The Senate amendment requires GAO to study the methods that could be used by the DOJ to determine its costs of defending each discrimination and whistleblower case, and the extent of any administrative burden that making such determination would entail.

In all, No FEAR makes our agencies more accountable by creating incentives for them to monitor themselves.

Mr. Speaker, we have come a long way towards eliminating the culture of discrimination and harassment that exists in our federal workplace. As Members of Congress, we must make every effort possible to ensure that those victims and heroes who come forward to warn us of the violations existing in the federal workplace are protected from retaliation, treated with the respect and dignity, and are afforded the due process to which they are entitled to under the law.

Our federal employees cannot and must not live in fear. This bi-partisan legislation will ensure that they do not. I urge my colleagues to support it.

Finally, I would like to express my appreciation to Dr. Marsha Coleman. Adebayo, all the employees that I met with on this issue the entire workplace task force, the NAACP, the Chicago branch of the NAACP and President of the NAACP Kweisi Mfume for their leadership, help, persistence and commitment to the passage of the No FEAR legislation.

Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Illinois (Mr. DAVIS), the distinguished ranking member of the Committee on Government Reform's Subcommittee on Civil Service and Agency Organization.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentlewoman from Texas for yielding time to me.

Mr. Speaker, I rise in strong support of what is being commonly called the No FEAR Act. I want to commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) for their hard work, diligence, and tenacity in pursuing this legislation to get it to the floor today. They both have done outstanding work, and I appreciate their efforts.

Mr. Speaker, our goal should be to always have in place the most open and responsive workplace that can be created. This means that employees must feel free, uninhibited, and able to operate without fear. They must be able to operate knowing that should they reveal information, that should they bring to the surface what they have seen, and should they report what they know, that there will be no reprisals, there will be no retaliation, and there will be nothing that anybody will ever be able to do that will cause them grief.

I think the day is great because it means that the Federal Government is exercising the kind of leadership that we ought to provide. The Federal Government should be the barometer, the leader in causing our country to function a certain way. I have always been told that you cannot lead where you do not go. So if we expect the private sector to come on line, then it is only apt that the Federal Government lead the way, lead the way in tolerance, nondiscrimination, and no retaliation against those who would exercise the right to be responsible.

So again, Mr. Speaker, I commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) for their leadership on this issue, and urge strong support. I look forward to its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me again thank the gentleman for this long journey that we took, and mention my thanks to the other body in the framework that I am allowed to do so in accordance with the rules of the House.

Let me conclude by simply saying that we are our brothers' and sisters' keepers. I appreciate the distinguished gentleman from Illinois because of his leadership on civil service issues. His support on this is, of course, making it a bill that responds to all of our concerns.

Mr. Speaker, I would simply say that this bill helps the government to do its work. Part of the problem with the Environmental Protection Agency is that sociologists could not do science work, but they could do good sociologists work. The problems is that they were mistreated such that they were forced to do a certain kind of work that they were not prepared for, and therefore resulted in a whole series of inhospitable working conditions.

So this legislation is good for the government because it creates an atmosphere where we can do our maximum best work, and work collectively together without discrimination.

Mr. Speaker, I ask my colleagues to enthusiastically support H.R. 165, the No FEAR Act.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill is now reaching its final legislative consideration, and when the Senate amendments are concurred in, it will go to the White House for the President's signature. This shows that our system of representative government works.

All too often we hear complaints that elected officials never listen, or, ''My speaking out does not make any difference.'' I think this bill shows that elected officials do listen, and a few people speaking out when they have right on their side can bring about a change in the laws of the United States of America, which I hope will have a far-reaching impact in preventing discrimination and retaliation within the Federal workforce.

If it were not for the work of Dr. Marsha Coleman-Abebayo and the NAACP Federal Workforce Task Force, I do not think that the Congress could ever have known about how bad the situation was in the EPA. But they did speak out, they did present a convincing case. They convinced both the Committee on Science in the last Congress and the Committee on the Judiciary in this Congress, as well as this House and the other body, that we needed to change the law to try to clean up some of these abusive practices.

I hope that this legislation will go a long way to doing this by making the

agency financially accountable for settlements and judgments caused by the misdeeds of their supervisors. The system does work, Mr. Speaker.

Ms. JACKSON-LEE of Texas. Will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding to me.

I just wanted to add my appreciation to the NAACP and to all of the employees and the task force, and particularly acknowledge Mr. Kweisi Mfume, who was one of our witnesses, for his leadership and interest on this issue. I want to express my appreciation to all who were engaged in helping with this legislation.

Mrs. MORELLA. Mr. Speaker, I rise today in strong support of H.R. 169, the NO FEAR legislation. This bill provides essential help to whistleblowers and those that suffer discrimination, and it penalizes agencies that attempt to practice discrimination or punish whistleblowers. Under current law, most judgments or awards against the federal government, including federal agencies, are paid out of a general judgment fund and are not attributed to, or accounted for, by the agency responsible for the claim. This bill requires federal agencies to reimburse the government's judgment fund for amounts paid out in response to a court settlement, award or judgment against an agency in a discrimination or whistleblower protection lawsuit. Hopefully, by making agencies responsible for their actions, we can further decrease the reprehensible practice of discrimination and the needless punishing of whistleblowers.

This bill has several other important provisions which my colleague from Wisconsin has mentioned and so I would just like to take this opportunity to point out and recognize two individuals, Dr. Marsha Coleman-Adebayo and Mr. Leroy Warren, Jr. Both of these individuals live in my district, Montgomery County, Maryland and played an instrumental role in helping this legislation come to the floor today.

Mr. Warren is Chairman of the NAACP Federal Sector Task Force and was asked to investigate and address the ever-growing number of complaints of discrimination within the federal government. Mr. Warren's task force did an admirable job in bringing to light much of the discrimination that federal employees faced.

Dr. Coleman-Adebayo has become well known for her courageous fight against discrimination by the EPA.

She is someone who suffered terribly from her battle but persevered and won her case against the EPA. She has testified in front of both the Science and Judiciary Committees to alert all of us to the seriousness of what transpired in her case. And now, hopefully, because of the NO FEAR bill, the first civil rights bill of the 21st Century, victims of racial, sexual, and hostile work environments, and whistleblowers, will not have to suffer the pain and abuse that Dr. Coleman-Adebayo endured. Let us hope instead that H.R. 169 will push federal agencies to spend their time devising effective plans to address all forms of discrimination in the workplace.

I urge my colleagues to support this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 169.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1430

YOSEMITE NATIONAL PARK EDUCATION IMPROVEMENT ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3421) to provide adequate school facilities within Yosemite National Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Yosemite National Park Education Improvement Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The three elementary schools serving the children of employees of Yosemite National Park are served by the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District.

(2) The schools are in remote mountainous areas and long distances from other educational and administrative facilities of the two local educational agencies.

(3) Because of their remote locations and relatively small number of students, schools serving the children of employees of the Park provide fewer services in more basic facilities than the educational services and facilities provided to students that attend other schools served by the two local educational agencies.

(4) Because of the long distances involved and adverse weather and road conditions that occur during much of the school year, it is impractical for the children of employees of the Park who live within or near the Park to attend other schools served by the two local educational agencies.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

SEC. 3. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) AUTHORITY TO PROVIDE FUNDS.—For fiscal years 2003 through 2007, the Secretary may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District for educational services to students who are dependents of persons engaged in the administration, operation, and maintenance of the Park or students who live at or near the Park upon real property of the United States.

(b) LIMITATION ON USE OF FUNDS.—Payments made by the Secretary under this section may not be used for new construction, construction contracts, or major capital improvements, and may be used only to pay public employees for services otherwise authorized by this Act.

(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of $750,000 in any fiscal year or the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) ADJUSTMENT OF PAYMENTS.—Subject to subsection (c), the Secretary is authorized to adjust payments made under this section if the State of California or the appropriate local educational agencies do not continue to provide funding for educational services at Park schools at per student levels that are equivalent to or greater than those provided in the fiscal year prior to the date of enactment of this Act.

(e) SOURCE OF PAYMENTS.—

(1) AUTHORIZED SOURCES.—Except as provided in paragraph (2), in order to make payments under this section, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) EXCEPTIONS.—Funds from the following sources may not be used to make payments under this section:

(A) Fees authorized and collected under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.).

(B) The recreational fee demonstration program under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 16 U.S.C. 460l–6a note).

(C) The national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(D) Emergency appropriations for Yosemite flood recovery.

(f) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

(1) LOCAL EDUCATIONAL AGENCIES.—The term ''local educational agencies'' has the meaning given that term in section 9101(26) of the Elementary and Secondary Education Act of 1965.

(2) EDUCATIONAL SERVICES.—The term ''educational services'' means services that may include maintenance and minor upgrades of facilities and transportation to and from school.

(3) PARK.—The term ''Park'' means Yosemite National Park.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3421, which I introduced, would authorize the Secretary of the Interior to provide supplemental funding and other services necessary to assist local school districts in providing educational services for students attending three schools located within Yosemite National Park.

The three schools in question are Yosemite Valley, which serves 46 students in K through eighth grades; El Portel Elementary, which serves 50 students

in seven grades; and Wawona Elementary, which serves 20 students in grades K through 8 with only one teacher.

All three schools represent those one-room schools of yesteryear.

Mr. Speaker, California schools are unique in that operating funds for schools are based on an average daily attendance. Since the devastating 1997 Merced River flood, there has been a dramatic reduction in the number of park employees and thus fewer school children attending these schools. With fewer and fewer children attending these schools, fewer State dollars are committed. The result is that the superintendent for Yosemite National Park and the concessionaire serving park visitors are attracting less than qualified candidates to work in the park because families are not provided with adequate schools.

Meanwhile, while the Federal funding sources such as Impact Aid and PILT, which is Payment In Lieu of Taxes, are made available to Mariposa and Madera Counties where these schools exist and through which money is distributed, the reality is very few dollars are actually used to fund these classrooms. In light of these realities, I was able to secure special funding in the amount of $111,000 in FY 2002 Interior appropriations bills for these schools. However, going to the appropriators every fall for this critical assistance is not the most productive approach.

Therefore, for the reasons I have outlined, the solution before the House today is the best long-term approach to this problem.

Mr. Speaker, during subcommittee and committee considerations, I made a number of changes to H.R. 3421 that address issues raised by the administration, members of the Committee on Resources, and the Committee on Education and the Workforce. For example, the bill makes clear that funds made available by the Secretary under H.R. 3421 will not go towards new construction, construction contracts or major capital improvements, and thus would be limited to general upkeep, maintenance, and classroom teaching. I do not think that we should stand by and permit children of the Park Service and concessionaire employees from being deprived of their education simply because their parents have chosen to work in Yosemite National Park.

Mr. Speaker, H.R. 3421 as amended is supported by the administration and the minority and majority of the Committee on Resources. I urge my colleagues to support H.R. 3421, as amended.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I might consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 3421, sponsored by my distinguished colleague and chairman, the gentleman from California (Mr. RADANOVICH), authorizes the National Park Service to provide funds and services to supplement the educational services and facilities provided to the children of Yosemite National Park employees and the park concessionaire at three small local schools located within the park.

The legislation provides a very unique arrangement for funding local schools. As such, a number of issues and problems with the bill as you have heard were raised during a December 2001 hearing on this bill. In fact, while the National Park Service expressed sympathy with the purpose of the bill, they, on behalf of the administration, initially opposed the measure. I appreciate the willingness of the gentleman from California (Mr. RADANOVICH) to make a number of changes requested by the minority, including deleting the use of entrance and user fees to pay for the program, limiting funds to operations and services, and eliminating the authority of the Secretary to assume operation of the schools. There were also negotiations with the Committee on Education and the Workforce which shares jurisdiction on this matter with the Committee on Resources.

As the result of those negotiations, the bill was further amended to include among other things a limit on the authorization of funds to 5 years and a cap on the funds of the lesser of $750,000 or the amount necessary to provide students with normal educational services.

Mr. Speaker, as I noted earlier, this legislation provides a unique arrangement for funding what should be a local responsibility. However, with the changes that have been made to the bill, I have no objection to its consideration and passage today.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 3421, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GUNN McKAY NATURE PRESERVE ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3909) to designate certain Federal lands in the State of Utah as the Gunn McKay Nature Preserve, and for other purposes.

The Clerk read as follows:

H.R. 3909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gunn McKay Nature Preserve Act''.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) PRESERVE.—The term ''Preserve'' means the Gunn McKay Nature Preserve as so designated by section 3(a).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. NATURE PRESERVE.

(a) DESIGNATION.—The approximately 15 acres of National Forest System land generally depicted on the map entitled ''Proposed Gunn McKay Nature Preserve'' and dated March 2002, are hereby designated as the ''Gunn McKay Nature Preserve''.

(b) MANAGEMENT.—

(1) MANAGEMENT PLAN.—Not later than 120 days after the date of the enactment of this Act, the Secretary, in consultation with the City of Huntsville, Utah, and the Gunn McKay Nature Preserve Foundation, Inc., a nonprofit corporation, shall develop a management plan for the Preserve.

(2) COOPERATIVE AGREEMENT.—The Secretary is authorized to enter into a cooperative agreement with the Gunn McKay Nature Preserve Foundation, Inc. for the management of the Preserve.

(c) WITHDRAWAL.—Subject to valid existing rights, the Preserve is hereby withdrawn from all forms of location, entry, and patent under the public land laws, and the mining and mineral leasing laws of the United States, including geothermal.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3909 would designate approximately 15 acres of Forest Service land in the State of Utah as the Gunn McKay Nature Preserve in honor of my predecessor, who served in this body from 1971 to 1981. Gunn passed away October of 2000.

Several years ago, residents of Huntsville, Utah, learned that the U.S. Forest Service was planning to build a helicopter landing area. The site near the city limits was to have been on undeveloped Federal lands and used to facilitate fighting wildfires in the surrounding forests.

Huntsville residents became concerned about helicopters landing and taking off in such close proximity in their neighborhoods. They proposed to the Forest Service that this open space instead be designated as a nature preserve. A non-profit organization was formed and the Forest Service agreed with the residents' proposal.

In addition to designating 15 acres as the nature preserve, this bill authorizes the Forest Service to work with the city of Huntsville and the Gunn McKay Nature Preserve Foundation to develop a management plan.

The preserve would be managed by the U.S. Forest Service in cooperation

with the Gunn McKay Nature Preserve Foundation. This area will not only serve as a buffer between the residential area of Huntsville and nearby Pineview Reservoir, but it will also stand as a fitting tribute to a man whose commitment to Utah's First Congressional District and preservation of Utah's natural beauty was outstanding. When visitors go to the preserve to contemplate the solitude, hike on the trails or just enjoy nature, they will also pass by a plaque in the entrance summarizing Gunn's life and many accomplishments.

Just as the preserve will be managed in perpetuity, so will Gunn's memory live on.

I urge my colleagues to support H.R. 3909.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I might consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I am pleased to join my chairman in support of H.R. 3909, the Gunn McKay Nature Preserve Act, which was introduced by the chairman of the Committee on Resources, the gentleman from Utah (Mr. HANSEN), in honor of former Congressman Gunn McKay.

Congressman McKay represented Utah's First Congressional District from 1971 until 1980 when he was defeated by the gentleman from Utah (Mr. HANSEN). The bill would designate 15 acres of land near Huntsville, Utah, as the Gunn McKay Nature Preserve. The land is presently managed by the Forest Service for recreational purposes. The Secretary of Agriculture in consultation with the city of Huntsville, Utah, and the Gunn McKay Nature Preserve Foundation would develop the plan for the preserve. No new mining claims would be permitted within the area.

This bill honors Congressman McKay, who died last year. I urge the adoption of the bill.

Mr. Speaker, I yield such time as he might consume to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I rise today to give my support to this legislation.

When we talk about public land in Utah, we are used to speaking in terms of 100,000 acres or million-acre parcels. We speak in terms of mountain ranges, entire deserts, and swaths of forests. But today, we are giving our blessing to the setting aside of a relatively small but immensely beautiful and important piece of land.

The creation of the Gunn McKay Nature Preserve would protect 15 acres of forest land in Huntsville, Utah. Mr. Speaker, Gunn McKay was a devoted member of the Utah delegation, and he served our State with honor and dignity from 1971 to 1981.

He was a Coast Guard veteran, a school teacher, a successful businessman, and a chief of staff for Utah Governor Cal Rampton.

Although he told the Democratic leader, ''I do not want to run for Congress; I have nine kids and a mortgage,'' run he did. A few terms later he was the senior member of Utah's congressional delegation, a member of the House Committee on Appropriations, and a champion for the people of his district.

Congressman McKay was a true public servant. He was quoted in one newspaper article a few years ago saying, ''The greatest satisfaction was helping people who needed an advocate.''

This refuge will not only serve as a lasting memorial to the work and dedication of Congressman McKay, it is also a testament to the statesmanship of the chairman, the gentleman from Utah (Mr. HANSEN). Too often in politics we get caught up in petty political squabbles. We lose sight of the bigger picture, of getting important work done for the good of our constituents. The passage of this bill shows that the chairman has not lost sight of the goal. He is a true gentleman of the House, and he spent the last 20 years representing the State of Utah with the class and dignity that is true to the people who have elected him.

Mrs. CHRISTENSEN. Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his kind remarks. I also thank my colleague, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), on this piece of legislation.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3909.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE AQUIA SANDSTONE QUARRIES OF STAFFORD COUNTY, VIRGINIA TO CONSTRUCTION OF CAPITAL OF THE UNITED STATES

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 261) recognizing the historical significance of the Aquia sandstone quarries of Government Island in Stafford County, Virginia, for their contributions to the construction of the Capital of the United States.

The Clerk read as follows:

H. RES. 261

Whereas the First Congress passed the Residence Act authorizing the establishment of a Federal Capital as the seat of Government of the new Republic;

Whereas President George Washington, acting under the authority of the Residence Act, selected the present site of the District of Columbia as the new Federal Capital and seat of government;

Whereas President Washington, aided by then Secretary of State Thomas Jefferson, took personal charge of the plans for the development of the new seat of government;

Whereas President Washington decided that the public buildings of the new capital city should be faced in stone so that these buildings would equal or exceed in beauty the buildings of the established capitals of Europe and promote permanence and majesty on the Potomac;

Whereas President Washington, a boyhood resident of Stafford County, Virginia, recommended that the freestone quarries on Aquia Creek in Stafford County be purchased by the Commissioners of Public Buildings as stone quarries for the public buildings of the District of Columbia, a recommendation acted on by Pierre L'Enfant, the planner of the new capital city;

Whereas the new quarries, later named Government Island, became the major source of building stone for the Capitol, the White House, and numerous other public buildings in the District of Columbia;

Whereas there exists substantial evidence of 18th and 19th century stone cutting and quarrying techniques on Government Island, and this physical evidence sheds light on a valuable and informative chapter in the development of the United States Capital; and

Whereas the Board of Supervisors and residents of Stafford County, Virginia, have undertaken action to preserve Government Island for posterity and to make it available for the education and enlightenment of the public: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the national historical significance of the Aquia sandstone quarries of Government Island in Stafford County, Virginia, for their substantial contribution to the construction of the new Capital of the United States under the direction of President George Washington; and

(2) commends the Board of Supervisors and residents of Stafford County, Virginia, for their efforts to preserve Government Island and to make it available for visitation by the public.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 261, introduced by the gentlewoman from Virginia (Mrs. JO ANN DAVIS), would recognize the historical significance of the Aquia sandstone quarries of Government Island in Stafford County, Virginia, for their contribution for the construction of our Nation's Capital city.

The stone, selected by our first President, George Washington, was used to build the Capitol, the White House, and numerous other Federal buildings in the District of Columbia.

This stone was wisely selected by our first President in an effort to ensure that this Nation's Capital would be

every bit as elegant and stately as the capital cities of Europe.

The resolution also recognized the great efforts of the residents of Stafford County to protect Government Island and to safeguard the history surrounding this important contribution to our Nation's Capital.

I commend my colleague, the gentlewoman from Virginia (Mrs. JO ANN DAVIS), for her excellent efforts in introducing this legislation. I urge my colleagues to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, this House Resolution recognizes, as you have heard, the historical significance of the Aquia sandstone quarries of Government Island in Stafford County, Virginia, for their contributions to the construction of the Capital of the United States and commend the Stafford County commissioners and local residents for their efforts to preserve the quarries.

The stone from these particular quarries dates back to the late 17th century and was chosen by then President George Washington for use at Mt. Vernon as well as the construction of the U.S. Capitol, the White House, the original Treasury building, the Patent office, and the earliest locks and bridges of the C&O Canal.

Over time, the quarries were exhausted and the site has since been through a number of private hands and has entered in and out of public ownership.

We support this resolution commending the local community for their latest efforts to preserve this interesting area.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Virginia (Mrs. JO ANN DAVIS), the author of this legislation.

(Mrs. JO ANN DAVIS asked and was given permission to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I am very proud of the many historically significant contributions the Commonwealth of Virginia has offered this great Nation. Virginia has given America eight of its distinguished men to the Office of Presidency, three of whom were born in the first district that I represent, and countless other elected officials, military heroes and active citizens to the cause of freedom and democracy.

Today, I rise to pay a specific tribute to the Aquia quarries of Government Island in Stafford, Virginia, for their contributions to the construction of our Nation's Capitol building and the White House, among many other prominent structures.

As our forefathers struggled to create a nation through a Declaration of Independence and an enduring revolution, they sought to express permanency in their new-found freedom. Led by Virginia native George Washington, America began to plan a city that would dignify the grandeur of the new United States of America. They chose the land situated geographically centered in the new Nation up the Potomac River and to the top of what was known as Jenkin's Hill, a place Pierre Charles L'Enfant, the city's planner called ''a pedestal waiting for a monument.''

□ 1445

I could not agree more. Our Capitol has survived over 200 years, through the War of 1812, the Civil War, and more recently, the building was a suspected target of the recent horrific terrorist attack on our country. This building has grown and matured into the great symbol of America. The freedoms that we hold so dear and recent events have only hardened my deep fondness for our Capitol and what it represents.

Although little known, the north section of the north wing of the Capitol and the White House were constructed of Aquia sandstone quarried from Government Island and along the Aquia Creek in Stafford County, Virginia; another proud Virginia contribution.

Stafford County's board of supervisors, County Administrator C.M. Williams, county historian Jane Conner, and the county's citizens should be commended for making the preservation of this island a priority. Their good work will ensure that this area is preserved for future generations to explore and enjoy.

I ask my colleagues to join me today in support of this resolution to honor the enduring construction of this building, the cornerstone of our democracy, and all that it represents.

I would like to thank the entire Virginia delegation for cosponsoring this House resolution commemorating the United States Capitol and the White House, highlighting their humble Virginia beginnings. Additionally, I would like to thank the Committee on Resources chairman, the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL), the ranking member, and the Subcommittee on National Parks, Recreation and Public Lands for moving this important Virginia initiative.

I again encourage my colleagues' support.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and agree to the resolution, H. Res. 261.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING STUDY OF VIRGINIA KEY BEACH, FLORIDA, FOR POSSIBLE INCLUSION IN NATIONAL PARK SYSTEM

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2109) to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System, as amended.

The Clerk read as follows:

H.R. 2109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY AND REPORT.

(a) STUDY.—The Secretary of the Interior (in this Act referred to as ''the Secretary'') shall conduct a study of Virginia Key Beach Park in Biscayne Bay, Florida, which was used for recreation by African Americans at a time when public beaches were racially segregated by law. The study shall evaluate the national significance of the site and the suitability and feasibility of establishing the site as a unit of the National Park System.

(b) CRITERIA.—In conducting the study required by subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5; popularly known as the National Park System General Authorities Act).

(c) REPORT.—Upon completion of the study, the Secretary shall transmit to the Congress a report on the findings of the study and the conclusions and recommendations of the Secretary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2109, introduced by the gentlewoman from Florida (Mrs. MEEK) would authorize the Secretary of the Interior to conduct a resource study of Virginia Key Beach Park in Miami, Florida, to determine the suitability and feasibility of including this site as a unit of the National Park System.

Virginia Key Beach Park, located just off the coast of Miami between Key Biscayne and Fisher Island, was for decades the only beach in South Florida where African Americans were permitted during the days of segregation. This beach was very significant in the local community for its numerous gatherings, which included baptisms and religious services, courtship and honeymoons, organizational gatherings, visiting celebrities and family recreation.

However, in 1982 the city of Miami, citing the high cost of maintaining and operating the park, closed the beach. Since that time, the city of Miami has explored various options regarding ownership and the future of the beach, although nothing has yet come to fruition. Nevertheless, it is my understanding that the local community

continues to be very interested in the fate of the park due in large measure to its historical significance.

This bill would authorize the Park Service to conduct a study to examine the possibility of including Virginia Key Beach Park as a unit of the National Park Service.

Mr. Speaker, this legislation is supported by both majority and minority, and I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 2109, which was introduced by my friend and our colleague, the gentlewoman from Florida (Mrs. MEEK), would authorize a special resource study of the historic Virginia Key Beach Park located on Biscayne Bay in Florida.

Virginia Key Beach derives its importance from its history more so than from its natural or recreational qualities, although there are those as well. It was the first beach in south Florida to be opened to African Americans, and for many years it was the only beach available to us. Encompassing just 77 acres, the beach was a popular recreational area for local African American families, churches and other organizations, and as we have heard, it was a site of many important private and public events.

At the hearing before the Subcommittee on National Parks, Recreation and Public Lands, the National Park Service testified in support of a park study of this important area.

It is important that we look for ways to commemorate and preserve not only the history of this site but also the natural and recreational qualities as well.

I want to commend the sponsor, the gentlewoman from Florida (Mrs. MEEK), for her leadership on H.R. 2109. I am pleased to support this study legislation, and I urge my colleagues to do likewise.

Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from Florida (Mrs. MEEK).

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I want to thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), and I want to thank the gentleman from California (Mr. RADANOVICH).

I rise with great pride, Mr. Speaker, and in strong support of H.R. 2109, my bill to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach in Miami, Florida, for its possible inclusion in the National Park System.

I want to again thank the gentleman from Utah (Mr. HANSEN), the chairman, and the gentleman from West Virginia (Mr. RAHALL), the ranking member of the full Committee on Resources, the gentleman from California (Mr. RADANOVICH), the chairman, and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the ranking member of the subcommittee, and their respective staffs for their assistance and cooperation.

I also want to thank my delegation in south Florida, a bipartisan delegation, for cosponsoring this bill.

Mr. Speaker, Virginia Key Beach is a historically important and environmentally significant place, worthy of being preserved and studied for its inclusion in the National Park System.

Virginia Key was the only beach in Miami where African Americans could go to swim in the 1940s, 1950s and early 1960s. It was called ''Virginia Key Beach at that time, a Dade County Park for the exclusive use of Negros.'' It opened on August 1, 1945. Until that time, Miami's beaches had been reserved for whites only. In those days of segregation, Virginia Key Beach was the only way blacks could legally enjoy the ocean in Dade County.

Dade County created this park in response to the efforts of the African American community to integrate the beaches in Miami.

The location of this beach was less than ideal, Mr. Speaker. There was no bridge, and the only way to get to it was by taking a boat from the Miami River.

Despite these impediments, African Americans have made Virginia Key Beach a very thriving center for social and cultural activities. The beach became a cherished getaway, a social gathering place and even a sacred site for religious services.

I attended many baptisms at Virginia Key Beach. The beach was the site for many baptisms, courtships, honeymoons, organizational gatherings, visiting celebrities and family recreation. Even after integration granted everyone a free choice of recreation areas, Virginia Key Beach remained the popular preference for many in the African American community.

Mr. Speaker, this legislation is near and dear to my heart because I know the long way we have come because I used this park frequently myself and brought my children there when they were young. The fact that I am a Congresswoman today shows how much society has changed in the intervening years.

Virginia Key Beach is a national treasure that stands as a monument to America's journey toward racial equality. As a reminder of our national heritage, Virginia Key Beach symbolizes the struggle of African Americans in the 20th century during racial segregation in the South and the onset of the civil rights movement.

Mr. Speaker, there are very few sites in the National Park System that recognizes the struggle for civil rights. Out of 385 units currently in the park system, only 4 have been designated to commemorate the civil rights era. We need to do more to recognize the civil rights era. It is important to remember that segregation affected every aspect of our lives, even our leisure time.

In addition to representing an important part of the history of African Americans, it is also an exceptional natural resource characterized by a unique and sensitive natural environment. The beach is a part of an area known as Virginia Key. It is a 1,000 acre barrier island. There has been some limited development, but the island is non-residential and includes ponds and waterways, a tropical hardwood hammocks and a large wildlife conservation area.

The Key is home to more than 25 species of birds during the winter, while its shallow waters contain extensive grass beds that support manatees, young sea turtles and many juvenile fishes. The United States Army Corps of Engineers, through their shoreline damage program, is currently restoring the beach and native plants on the islands.

Finally, let me note, thanking this committee and my colleagues, the chairman and the ranking member, Virginia Key Beach is an excellent location and it is very accessible. Other national attractions in south Florida, such as Everglades National Park, Big Cypress and Biscayne National Park, have extraordinary resources, but they are not readily accessible for individuals without personal transportation; Virginia Key Park is. There is a good Miami-Dade bus connection there, and it is further enhanced by a link to south Florida's rail system.

Mr. Speaker, Virginia Key Beach occupies a special place in the heart of all of us from south Florida. It is a wonderful reminder of the struggle of African Americans for civil rights and social justice.

Inclusion in the National Park System would help ensure that Virginia Key Beach is preserved and protected for future generations. A special resource study is the first step.

This committee has taken the first step to bring this to the floor. I urge my colleagues to support this important legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I come before you today to encourage my colleagues to support H.R. 2109, a bill which would authorize the Secretary of the Interior to conduct a special resource study of historic Virginia Key Beach, FL, for the inclusion into the National Park System. Mr. Speaker, I am proud to support a very important bill which will allow Congress to preserve and protect this beautiful beach site area.

This legislation allows for the beautiful palm-studded old Florida beach located on a 1,000-acre barrier island, one of Miami's real treasures, to be recognized as a National Park. Miami's historical Virginia Key Beach has been one of Florida's most beautiful and unique areas since 1896. When I was growing up, Virginia Key was at one time one of Miami's most popular beaches for African-Americans

to enjoy. With its scant four-tenths of a mile of actual shoreline, the park was the only bathing beach in the county legally available to African-Americans.

Mr. Speaker, this bill does not add to the national debt, therefore I urge my colleagues to realize there is no need to oppose it for economic reasons. This bill does not change any of the requirements for the inclusion process for national parks. All this bill calls for is the recognition of the 77-acre historic Virginia Key Beach site in Miami, FL. Passing this bill would be a reasonable and responsible approach in recognizing the significant value of this former ''colored beach.''

Florida needs a place that is recognized for its historical significance, a place that can be enjoyed today for both recreational purposes and so that people can learn about the history of this extraordinary scenic recreational site that was once cherished as a ''Paradise.''

I respectfully ask that my colleagues in this Congress vote in favor of H.R. 2109 which would induct historic Virginia Key Beach into the National Park System.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2109, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach Park in Biscayne Bay, Florida, for possible inclusion in the National Park System.''.

A motion to reconsider was laid on the table.

MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2628) to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Muscle Shoals National Heritage Area in Alabama, and for other purposes.

The Clerk read as follows:

H.R. 2628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Muscle Shoals National Heritage Area Study Act of 2001''.

SEC. 2. STUDY.

The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the study area described in section 3 as the Muscle Shoals National Heritage Area. The study shall include analysis, documentation, and determination regarding whether the study area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the study area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

SEC. 3. BOUNDARIES OF THE STUDY AREA.

The study area referred to in section 2 shall be comprised of the following:

(1) The part of the Tennessee River's watershed in northern Alabama.

(2) The cities of Florence, Sheffield, Tuscumbia, and Muscle Shoals City, Alabama.

(3) The towns of Anderson, Cherokee, Courtland, Leighton, Lexington, Littleville, Red Bay, Rogersville, Russellville, Town Creek, and Waterloo, Alabama, and their environs.

(4) Colbert, Lauderdale, Franklin, and Lawrence Counties, Alabama.

(5) Other areas that have heritage aspects that are similar to those aspects that are in the areas described in paragraphs (1) through (4) and which are adjacent to or in the vicinity of those areas.

SEC. 4. REPORT.

Not later than 3 fiscal years after the date on which funds are first made available for this Act, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2628, introduced by the gentleman from Alabama (Mr. CRAMER) would direct the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Muscle Shoals National Heritage Area in northwest Alabama.

Mr. Speaker, the city of Muscle Shoals and the surrounding area of northwest Alabama has played an integral part in shaping many aspects of Alabama and southern culture.

□ 1500

It is the birthplace of Helen Keller, setting for Henry Ford's utopian 75-Mile City, which inspired Frank Lloyd Wright's Broadacre City, a number of Victorian arts and crafts residences, and plays host to the annual music festival named for blues musician W. C. Handy. It is also the home of the Tennessee Valley Authority, the first piece of the New Deal legislation. A number of historic trails also transverse the area, including the Natchez Trail and the Trail of Tears.

Mr. Speaker, H.R. 2628 is supported by both the majority and the minority of the committee and the administration. I urge my colleagues to support H.R. 2628.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2628, introduced by my colleague, the gentleman from Alabama (Mr. CRAMER), would direct the Secretary of the Interior to do a National Heritage Area study of the Muscle Shoals area of northern Alabama. The Muscle Shoals area has a long history of industry, transportation and music, among other things.

When the Subcommittee on National Parks, Recreation, and Public Lands held a hearing on H.R. 2628 earlier this year, the National Park Service testified in support of the study. Our other witnesses, including the gentleman from Alabama (Mr. CRAMER), also detailed and expanded upon the history of the Muscle Shoals area for the subcommittee. It is obvious that the communities of the Muscle Shoals area value their heritage and are looking for ways to maintain and enhance the historical and natural resources of the area.

Mr. Speaker, H.R. 2628 is a good bill. It is also noncontroversial. I support the passage of the legislation and urge its favorable consideration by the House today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. CRAMER), the sponsor of this measure.

Mr. CRAMER. Mr. Speaker, I want to thank the Committee on Resources and the Subcommittee on National Parks, Recreation, and Public Lands for moving H.R. 2628, which is my bill, as well as the chairman, the gentleman from Utah (Mr. HANSEN), and the ranking member, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), very much for their consideration.

Both the chairman and the ranking member have made reference to this unique area of Alabama that has an extraordinary history. H.R. 2628 would allow us to do a study to determine the feasibility of collecting that history and naming our area a national heritage study area. It was passed by the

committee itself by unanimous consent, so it is a very uncontroversial piece.

This area of northwest Alabama is adjacent to the State of Tennessee and the State of Mississippi as well, so my colleagues in the House, the gentleman from Mississippi (Mr. WICKER) and the gentleman from Alabama (Mr. ADERHOLT), both are cosponsors of this piece of legislation.

As the chairman referred to and the ranking member referred to in their remarks about H.R. 2628, this area of northwest Alabama has an extraordinary history of involvement. Native Americans were active in this particular area, and we have an Indian Mound Museum there that is one of the most extraordinary museums in the country.

As we move on through history, the Tennessee River has defined our area culturally as well as in terms of transportation issues as well. In the early 1920s, the Wilson Locks and Dam was built there even before TVA came into existence. At the time it was the largest lock and dam on the Tennessee River and one of the largest dams in the country as well.

President Roosevelt visited that area and was so impressed by the potential that he saw there that he was inspired to form the Tennessee Valley Authority, which has given us a significant part of our prosperity there, not only in the State of Alabama but in Tennessee and the entire region as well.

But as the chairman referred to, we are the home of the W. C. Handy Festival. That is a blues festival. W. C. Handy, unbeknownst to a lot of people in the country, is the ''Father of the blues.'' He was born in Florence, Alabama, which is located in northwest Alabama. This festival has existed for 20 years and has brought thousands of music specialists from all over the country.

We have a verbal history that is available in our area of the music tradition that is there. Now, the Muscle Shoals Studio was a recent era of music that really was born out of the blues era. It is a sound recording studio that has been used by many musicians around the world. All of that kind of heritage was started back in the early 1920s and built on from there as well. So this feasibility study would give us the chance to catalogue a lot of that information.

Helen Keller was born in Tuscumbia, Alabama. That is within 5 miles of this Tennessee River, and within 10 miles of Florence, Alabama as well. Her home, Ivy Green, was preserved as a museum. There is a Helen Keller Festival there as well. A lot of Helen Keller relatives come back to that area to this particular festival.

Jesse Owens was born in Lawrence County, again, another 7 miles from the very center of the area we are talking about. There is a museum to celebrate his contributions to American history there as well.

The Frank Lloyd Wright structures we have in this area all combine to give our area of Alabama a unique history which we think is deserving of this declaration as a National Heritage Area study place.

I want to thank again the committee for giving us this opportunity, and I urge my colleagues to pass this important bill, H.R. 2628.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2628.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the five bills just considered, H.R. 3421, H.R. 3909, H. Res. 261, H.R. 2109, and H.R. 2628.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

STRENGTHENING SCIENCE AT THE ENVIRONMENTAL PROTECTION AGENCY ACT

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 64) to provide for the establishment of the position of Deputy Administrator for Science and Technology of the Environmental Protection Agency, and for other purposes, as amended.

The Clerk read as follows:

H.R. 64

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Strengthening Science at the Environmental Protection Agency Act''.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''Administrator'' means the Administrator of the Agency;

(2) the term ''Agency'' means the Environmental Protection Agency;

(3) the term ''Deputy'' means the Deputy Administrator for Science and Technology appointed under section 4; and

(4) the term ''research'' means research, development, and demonstration.

SEC. 3. RESEARCH MISSION OF AGENCY.

Conducting, sponsoring, and evaluating environmental science and technology research shall be a central mission of the Agency. The results of such research shall be used to help initiate, formulate, and carry out the Agency's agenda, and the Agency shall seek to increase the public's understanding of environmental science and technology by making those research results available to the public.

SEC. 4. DEPUTY.

(a) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, a Deputy Administrator for Science and Technology, who shall coordinate and oversee the science and technology activities of the Agency and ensure that Agency decisions are informed by the results of appropriate and relevant research.

(b) RESPONSIBILITIES.—The Deputy shall—

(1) provide advice to the Administrator regarding science and technology issues and their relationship to Agency policies, procedures, and decisions;

(2) participate in developing the Agency's strategic plans and policies and review the science and technology aspects of those plans and policies;

(3) coordinate the acquisition and compilation of relevant science and technology information available from academic sources, government agencies, and the private sector;

(4) develop and oversee guidelines for the dissemination of research results conducted, sponsored, or cited by the Agency to the public, including historically black colleges and universities, Hispanic-serving institutions, minority communities, and rural communities; and

(5) develop and oversee guidelines for peer review of science and technology research.

(c) QUALIFICATIONS.—An individual appointed under subsection (a) shall be a person who has an outstanding science and technology background, including research accomplishments, scientific reputation, and public policy experience.

(d) CONSULTATION.—Before appointing an individual under subsection (a), the President shall consult with the National Academy of Sciences, the National Academy of Engineering, the Science Advisory Board of the Agency, and other appropriate scientific organizations.

(e) COMPENSATION.—The Deputy shall be compensated at the rate provided for level III of the Executive Schedule pursuant to section 5314 of title 5, United States Code.

(f) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Deputy Administrator for Science and Technology of the Environmental Protection Agency.''.

SEC. 5. ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT.

(a) TITLE AND TERM.—There shall be an Assistant Administrator for Research and Development of the Agency, who shall also have the title of Chief Scientist of the Agency. Appointments to such position made after the date of the enactment of this Act shall be for a term of 5 years unless sooner removed by the President.

(b) QUALIFICATIONS.—An individual appointed under subsection (a) shall be a person who has an outstanding science and technology background, including research accomplishments, scientific reputation, and experience in leading a research and development organization.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Washington (Mr. BAIRD) will each control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 64, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 64, the Strengthening Science at the Environmental Protection Agency Act.

Time and time again I have heard my colleagues say, ''What I really want is the use of sound science at the EPA.'' The perception of how EPA decisionmakers use science in their regulatory actions seems to fall into two camps: One view comes from the regulated community who claims that controversial decisions have ignored the underlying science. The other view comes from environmental and public advocacy communities who claim that the Agency ignores the underlying science while letting the regulated community unduly influence the process.

While these constituency may forever disagree on controversial decisions, one theme is common to both camps and to Members of Congress and the Judiciary, they doubt that the EPA uses science appropriately in its regulatory decisions.

How should the EPA use science? Is science simply a cudgel used to win a court battle? Is it simply an afterthought to the regulatory process? No. Rather, science should be at the beginning, middle, and end of the agency's decision-making process. It should infuse every issue from the beginning of discussions on that issue.

Several independent reviews have concluded that there are significant problems with the way science is used within the EPA's decision-making structure. These reviews include expert panels of scientists commissioned by the Congress, the EPA, the MITRE Corporation, and the National Academy of Public Administration. The latest and most influential review, the National Academy of Sciences' 2000 report concluded: ''The importance of science in EPA's decision-making process should be no less than that afforded to legal considerations. Just as the advice of the Agency's general counsel is relied upon by the administrator to determine whether a proposed action is legal, an appropriately qualified and adequately empowered scientific official is needed to attest to the administrator and the Nation that the proposed action is scientific.''

H.R. 64 provides for that qualified scientific official. This legislation would establish a new Deputy Administrator for Science and Technology to serve as an advocate for, and reviewer of, sciences at the most senior levels of the Agency. Second, the legislation would convert the position of the Assistant Administrator of the Office of Research and Development to a set term and give that position the title of Chief Scientist for the Agency.

The Deputy Administrator position will bring a much-needed change to the culture of the EPA and ensure that science has a higher profile in the Agency's decision-making process. This person would not only be accountable to the administrator for improving and overseeing science at the Agency, but would also be accountable to the Congress. This relationship would bolster Congress' confidence in the appropriate role of science at the EPA and, therefore, in regulatory decisions.

The Deputy Administrator is also needed to coordinate research between the regulatory and scientific arms of the Agency. A common problem with trying to ensure that science is involved throughout the regulatory process is that the head of the scientific arm of the Agency, the Assistant Administrator for ORD, shares the same rank as the heads of the regulatory offices. The authors of the Academy report argued since the new Deputy would rank higher than the existing Associate Administrators, this person could foster research relationships between the Office of Research and Development and the regulatory offices.

While this first objective of H.R. 64 is intended to increase the political impact that science has at the Agency, the second objective, to establish a set term for the Associate Administrator of the Office of Research and Development, seeks to decrease political pressures on this office. Although the political aspect of the Associate Administrator's job often receives attention, the most important aspects of the job are not political. Since the Deputy Administrator could bear many of the political pressures inside the Agency, the Associate Administrator could focus his or her role as the Agency's chief scientist on inspiring and supervising a world class scientific organization.

Before I close, let me mention that this legislation has garnered support from a wide array of outside groups. It has received backing from prestigious scientific groups such as the American Chemical Society, the American Society of Mechanical Engineers, and the Society of Toxicology; from business groups, including the National Association of Manufacturers and the Business Roundtable; and from universities and other interested parties, including the National Association of State universities and Land Grant Colleges, and members of EPA's Scientific Advisory Board.

The time has come to strengthen science at the EPA. Congress can act now by passing H.R. 64.

Mr. Speaker, I reserve the balance of my time.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 64, a bill that will strengthen the use of science at the Environmental Protection Agency. I am proud to cosponsor this legislation.

The chairman has done a great job of describing the bill. I would like to make just a few additional points. H.R. 64 will ensure that science plays its proper role at the EPA, providing the basis for sound regulations that do not unduly impede economic development while protecting our environment.

The bill creates the new position of Deputy Administrator for Science and Technology. It also makes the Assistant Administrator for the Office of Research and Development a 5-year position, much like the directors of the NIH and the National Science Foundation.

There is another important section that clarifies that research is integral to the mission of EPA to protect human health and the environment.

□ 1515

Mr. Speaker, the bill is supported by a wide array of business and scientific organizations. I believe the Committee on Science has crafted a good bill that will help ensure that the best and most recent science is considered when the administrator makes regulatory decisions.

Ultimately, it will be up to the EPA administrator to listen to the scientists, but this bill will provide the experts with an opportunity to present their findings in a timely fashion. There are concerns both from the administration and environmental groups that this bill might create yet another layer of bureaucracy at the agency. This conceivably could occur by giving the deputy administrator a veto over regulations.

Mr. Speaker, I would like to ask the gentleman from Michigan (Mr. EHLERS) whether he agrees or disagrees with that view, and whether he would be willing to work with me and others to address continuing concerns within the bill?

Mr. EHLERS. Mr. Speaker, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from Michigan.

Mr. EHLERS. Mr. Speaker, I am happy to continue to work with the gentleman on these issues.

I would like to comment that the issue of creating another layer of bureaucracy has been raised by other Members, and that is totally false. It does not create another layer of bureaucracy, it creates two positions side by side in the same layer, and I believe it is an appropriate role for the science administrator to have an equal status with the administrator who runs the rest of the agency.

That is the real objective of this bill, to have science at a higher level, and I do not consider that an additional layer of bureaucracy; but I am pleased to work with the gentleman.

Mr. BAIRD. Mr. Speaker, I appreciate the clarification, and concur with the gentleman's position.

Mr. Speaker, I thank the gentleman from New York (Mr. BOEHLERT) for his outstanding work on this bill and his

leadership of our committee. I also thank the gentleman from Michigan (Mr. EHLERS) for his work.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science, and also express my appreciation for his work on this issue.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I want to point out to Members that this measure is brought forward by the gentleman from Michigan (Mr. EHLERS), a doctor, a distinguished scientist in his own right, who is providing invaluable service to the Committee on Science. He and another gentleman from Michigan (Mr. BARCIA), are a dynamic duo who have worked tirelessly to advance this bill to the point where we have it on the floor today under the Suspension Calendar, which is reserved for noncontroversial measures. This is noncontroversial.

No Member in their right mind can come up with any logical reason why we should not have a chief scientist in the Environmental Protection Agency. No one in their right mind can come up with any reason why we should not have, as this bill provides, a deputy administrator for science and technology. We are in an institution and in a town where people love to say that they favor science-based decision-making. Some of those people favor it as long as it is politically convenient. When the conclusion of the scientist is not politically convenient, they look elsewhere. There will be no escaping what this bill does, and its intent. We want to have the best possible scientific guidance for the administrator of the Environmental Protection Agency, and we want the Environmental Protection Agency to give the administration and Congress the best possible advice that is based on sound science.

If we have that, I am convinced we can continue to go forward in a very responsible way to deal with such issues as global climate change.

Mr. Speaker, I applaud the gentleman from Michigan (Mr. EHLERS) for his work on this, and the dedicated work of the staff on both sides of the aisle. The Committee on Science has an outstanding staff. I think it is second to none, very capable individuals, individuals with advanced degrees in various science disciplines, and that serves us all well.

Mr. Speaker, I urge Members to pay attention to what we are doing here today, and I would expect unanimous support for this very worthy bill.

Mr. BAIRD. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for his leadership, and the gentleman from Michigan (Mr. EHLERS) for his leadership on this issue.

I think the words which have been spoken are particularly instructive. As a member of the Committee on Science for a number of years, and having oversight over the Environmental Protection Agency, this legislation that provides for an administrator for science and technology emphasizes the partnership between what the agency does and science.

Everything that we have had the opportunity to investigate in the Committee on Science permeates the words ''science and technology,'' and particularly over these last years we have been utilizing the concept of technology: Technology and weather, technology in the science of pollution and clean air, technology as it relates to education, technology as it relates to the whole concept of keeping our communities safer and cleaner. So in order to provide greater advice to the administration and to ensure that the Environmental Protection Agency is an agency that is strengthened with science, I believe this legislation is the right direction.

Mr. Speaker, I hope that as this legislation moves, we will be able to implement the position very quickly because I am seeing with the changing focus on the utilization of science and technology, the greater need for that expertise, expertise to the Congress and to the administration. It is my pleasure to add my support to this legislation because it strengthens the Environmental Protection Agency upon which we rely greatly as well as our local communities, and it gives the insight that is necessary to make the process of the environment and science holistic.

Mr. EHLERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA), who has worked so hard on science issues, particularly the need to recruit women and minorities into science.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Michigan (Mr. EHLERS) for yielding me this time, and offer my commendation to the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT) and the ranking member, the gentleman from Texas (Mr. HALL), and the ranking member of the subcommittee, the gentleman from Michigan (Mr. BARCIA), and the gentleman from Washington (Mr. BAIRD) for this piece of legislation that comes before us today.

Mr. Speaker, it is with great pleasure that I rise in support and as a proud cosponsor of H.R. 64, the Strengthening Science at the Environmental Protection Agency Act. This bill makes important changes to the administrative structure at the EPA, establishing for the first time a clear chain of command for EPA science, and a dedicated office responsible for maintaining the highest possible standards.

With this bill, the House Committee on Science continues its mission to advance common sense bipartisan legislation that directly confronts deficiencies in our scientific enterprise. I am proud of our work together, and I thank the gentleman from Michigan (Mr. EHLERS) and the gentleman from Michigan (Mr. BARCIA) and the gentleman from Washington (Mr. BAIRD) for upholding that tradition in bringing the bill before us today.

Recent reviews of the Environmental Protection Agency have rated the quality of the science high. As individuals, the dedicated men and women of the EPA are doing their jobs with the professionalism and integrity we have come to expect, and have every right to demand. They should be proud of their efforts.

Unfortunately, these same reviews have been critical of the organization and focus of the research. The work is piecemeal, and not always directly applicable. The overall mission is unclear, and important areas are unsupported. We clearly need a more top-down approach, and this bill provides one.

Sound science requires strong leadership. Administrator Whitman has made a commitment to improve oversight of the S&T initiatives at EPA, and I applaud her efforts to conduct a thorough review of her agency. She has the will, and it is time for Congress to provide the way. This bill would create a deputy administrator for science and technology, and provide a clear mandate for the coordination and oversight of research activities. It also provides a chief scientist for the agency to provide guidance and perspective. These improvements are sorely needed.

Two years ago, the National Research Council issued a comprehensive review of EPA, and specifically called for the offices created by this legislation. In that review, the NRC highlighted the growing concerns about EPA science. They found the quality of work extremely high, but the perception low. The committee unanimously judged the lack of a top science official a major contributor, calling this state a ''formula for poor scientific credibility outside the agency.'' This is simply not acceptable.

The EPA's work is too important to suffer from poor perception. A regulatory agency cannot function without the public's trust. As the agency with primary oversight of the Nation's environment, the scientific basis for EPA's regulatory decisions must be beyond reproach. We will always have debates over trade-offs between environmental and economic prosperity, between fair use and exploitation, and too much regulation and not enough. We cannot afford to have debates about the science. It must be reliable, timely and sound.

No corporation is run without a head and no enterprise succeeds without a leader. The EPA needs a clear hierarchy and a dedicated office to oversee the science portfolio and take responsibility for its focus and direction. The

importance of the work requires it. The impact of the decisions demand it, and the American people deserve no less. I urge Members to support H.R. 64.

Mr. BARCIA. Mr. Speaker, I rise in support of H.R. 64, the Strengthening Science at the Environmental Protection Agency Act, legislation that will ensure that science plays a proper role at the Environmental Protection Agency. We must be sure that science will serve as the basis for sound regulations that do not unduly impede economic development.

I want to thank Congressman SHERWOOD BOEHLERT and VERNON EHLERS who worked closely with myself and Congressman RALPH HALL to craft a truly bipartisan piece of legislation. This legislation addresses recommendations made by the National Academy of Sciences and will do much to improve the quality of science at the Environmental Protection Agency.

This legislation emphasizes that research is integral to the mission of EPA to protect human health and the environment.

The creation of a Deputy Administrator for Science and Technology will ensure that science has an equal seat at the table when important decisions are made. Any regulation issued by the EPA must be based on the best scientific information available. I believe that the elevated status of this new position will ensure this is the case.

I urge my colleagues to support H.R. 64.

Mr. SMITH of Michigan. Mr. Speaker, I rise in support of this legislation sponsored by my good friend and colleague from Michigan, Mr. EHLERS.

This legislation, which establishes a Deputy Administrator for Science and Technology at the Environmental Protection Agency, fulfills a recommendation made in a report of the National Academy of Sciences. It is intended to give science a more visible role at EPA and to ensure a sound foundation for science at the agency.

As many in this body know, there is a widespread perception that politics more than science influences regulatory decisions at EPA. This bill addresses this problem, but it is only the beginning.

There needs to be a real change in the culture at EPA. Many have asked whether it is appropriate to have a regulatory body conducting and overseeing the science used to support its regulatory determinations. It seems to me that there is an inherent conflict of interest in such an arrangement. Even when EPA science is sound, there is an inescapable perception that the regulatory decision drove the science, not the other way around. This bill is a good start at raising the profile and centrality of science at EPA.

I want to thank the gentleman from Michigan for his leadership on this issue, and I urge my colleagues to support H.R. 64.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 64, the Strengthening Science at the Environmental Protection Agency Act.

In a report published in June of 2000, the National Academy of Sciences recommended the restructuring of the EPA's science programs to strengthen the role that science plays in the decision-making process. The National Academy's recommendations call for the establishment of a Deputy Administrator for Science and Technology and an appointment for the position of Assistant Administrator for Research and Development.

I am pleased that Mr. EHLERS introduced H.R. 64, which will make these recommendations a reality. Protection of our environment is dependent on science both to assess problems and to develop solutions. This bill enhances the mission of the Environmental Protection Agency to include conducting, sponsoring, and evaluating environmental science and technology research. The agency will then use the results of this research to carry out the EPA's agenda with regard to protecting the environment.

With this shift to a more science-based decision-making process at the Environmental Protection Agency, it only makes sense that the people who oversee science and technology at the EPA should be well-respected researchers who understand the scientific process. This bill directs the President to appoint a Deputy Administrator for Science and Technology and an Assistant Administrator for Research and Development (or Chief Scientist) who both have outstanding backgrounds, including research accomplishments, scientific reputation and leadership experience.

Although I support this effort, I wanted to sound one cautionary note. As we pass this bill, we will need to monitor its implementation carefully. We want to make sure that our direction that EPA has a Deputy Administrator for Science and Technology and an appointment for the position of Assistant Administrator for Research and Development not be distorted by anyone with a political agenda. We want to make sure the people who fill these new positions at EPA are truly scientists, not politicians intent on using junk science or biased science to fulfill a political agenda. That is equally true for pro-industry and pro-environmental positions.

All too often in the environmental arena we see decisionmaking being dictated by a reliance on studies created or funded by industry. In many instances, we don't have access to the raw data underlying these studies. As any scientist will tell you, this is a perversion of the peer review process that is the basis of all good science. We have also seen groups make wild claims that have no basis in scientific analysis.

Mr. Speaker, H.R. 64 is a well-intentioned bill and a step forward to see that our decisions are guided by the best available data. I urge my colleagues to support it.

Mr. BAIRD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and pass the bill, H.R. 64, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXTENDING AUTHORITY OF EXPORT-IMPORT BANK UNTIL MAY 31, 2002

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2248) to extend the authority of the Export-Import Bank until May 31, 2002.

The Clerk read as follows:

S. 2248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EXPORT-IMPORT BANK.

Notwithstanding the dates specified in section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) and section 1(c) of Public Law 103–428, the Export-Import Bank of the United States shall continue to exercise its functions in connection with and in furtherance of its objects and purposes through May 31, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Vermont (Mr. SANDERS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2248, and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this Member rises today in support of S. 2248, which is being considered today under suspension of the rules. This legislation simply extends the authorization for the Export-Import Bank until May 31, 2002, nothing more. Under current law, the most recent short-term reauthorization of the Export-Import Bank expires on April 30, 2002. If this subsequent short term authorization extension is not signed into law, the Export-Import Bank could not engage in new transactions and would have to wind down its current operations as of today, April 30.

Without the passage of this legislation the Export-Import Bank will not have the legal authority to issue new financing commitments in support of the export of U.S. made goods and U.S. origin services.

□ 1530

Each year, the bank supports more than 2,300 export transactions. Eighty-six percent of those transactions are for small and medium-sized businesses. The bank processes a daily flow of export cases and any expiration of the bank's charter will jeopardize pending sales and the jobs of U.S. workers tied to those transactions.

Even more important to small business, the Export-Import Bank has a Credit Committee which approves small business transactions. This Credit Committee meets often each week. If this extension is not passed, the Credit Committee will not be able to do their business, and small businesses in turn will be hurt the most.

Therefore, it is extraordinarily important that we approve this legislation today. I say that because tomorrow, in fact, we will be debating the Export-Import Bank Reauthorization Act of 2001 under a rule. That bill, introduced by this Member, of course, had careful attention in subcommittee and committee, and we are prepared to take it to the House floor tomorrow under a rule which is expected to be prepared this evening for consideration tomorrow.

Mr. Speaker, in conclusion, for these reasons and many others, it is extraordinarily important that we approve this 1-month authorization extension for the Export-Import Bank today.

Mr. Speaker, I reserve the balance of my time.

Mr. SANDERS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SANDERS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. SANDERS. Mr. Speaker, with all due respect to my very good friend, the gentleman from Nebraska (Mr. BEREUTER), I rise as the ranking member of the Subcommittee on International Monetary Policy and Trade in strong opposition to this 30-day extension to the Export-Import Bank. I think it is time to send this bank a message, and I think we should vote down this extension and this bill this afternoon.

This bill, I should say, is being opposed by 10 of my colleagues who have sent a letter to every Member of Congress urging a ''no'' vote on this legislation. These Representatives are the gentleman from California (Mr. ROHRABACHER), the gentleman from Michigan (Mr. CONYERS), the gentleman from Texas (Mr. PAUL), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Ohio (Mr. KUCINICH), the gentleman from New York (Mr. HINCHEY), the gentlewoman from California (Ms. LEE), the gentleman from Missouri (Mr. CLAY), the gentleman from Ohio (Mr. BROWN) and the gentleman from New York (Mr. TOWNS).

This bill is also opposed by the Paper Allied Chemical and Energy Workers International, PACE, a union with over 300,000 members. It is opposed by the Independent Steel Workers Union. It is opposed by the U.S. Business and Industry Council and by the CATO Institute, a conservative think tank.

Mr. Speaker, this is an example of where progressives, such as myself, and conservatives, are coming together to protect the American taxpayer and the workers of this country in opposition to an outrageous example of corporate welfare.

While I do not often agree with the conservative columnist Robert Novak, I urge Members to read the article he wrote which appeared in yesterday's Washington Post which raises some very strong concerns about the Export-Import Bank.

Mr. Speaker, many supporters of the Export-Import Bank argue that the bank is necessary in order to create jobs. What I want to know, therefore, is if this bank is supposed to create jobs, how come the major beneficiaries of the Export-Import Bank, the corporations who have received the most assistance year after year, have substantially reduced their American workforce? In other words, instead of creating new jobs, these large corporations have taken money from the Export-Import Bank and, year after year, they have thrown tens and tens of thousands of American workers out on the street.

I think it is time to tell those folks who are at the trough for corporate welfare that if they want money from the taxpayers of this country, if they want help from the working people of this country, you do not lay off hundreds of thousands of American workers.

Mr. Speaker, some have talked about how 86 percent of the transactions from Ex-Im go to small business. That is correct. But that is a bit misleading, because 82 percent of the money, what is really important, goes to the Fortune 500 companies, while only 18 percent of the dollars and the subsidies go to small business.

Mr. Speaker, let me give a few examples of the work and the actions of some of the major beneficiaries of the Export-Import Bank. General Electric has received over $2.5 billion in direct loans and loan guarantees from the Export-Import Bank. They are, I believe, the second largest major beneficiary. Not exactly a small business. In fact, they are one of the largest corporations in the world. So all the taxpayers in America who are struggling to keep their heads above water, GE thanks you very, very much for your assistance.

What is this company doing? What do they say. Jack Welch, as everybody knows, was the very successful CEO of GE for many years. Let me quote Mr. Welch: ''Ideally, you have every plant you own on a barge.''

That is his philosophy. I respect the guy. He is up front. He says that the way you make money is to move to China and Mexico, pay workers there sub-standard wages, and throw American workers out on the streets. That is his business. I do not have a problem with that, but I do have a serious problem that American taxpayers' money, American workers' money, goes to companies who say, ''Hey, wouldn't it be ideal if we could have all of our jobs on a barge and move to any country in the world where wages are lower?''

GE has moved jobs from State to State and country to country in search of lower wages. The company's biggest export is, in fact, jobs. In 1975, GE had 667,000 American workers. In 1995, they employed 398,000, a decline of 269,000 jobs. Now, is that not something? What a success story for Ex-Im; the number 2 recipient lays off hundreds of thousands of jobs.

Now, I was a mayor of a city for 8 years and we provided help to the business communities. But, you know what? We did not just give them a blank check. We said if you want taxpayer money, this is what we want from you in return. And I would suggest very strongly that what the taxpayers of this country want when they subsidize corporations is they want those corporations to reinvest in America, create jobs in America, and not run to China, Mexico and every country in the world where they can pay workers starvation wages.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Ohio (Mr. OXLEY), the distinguished chairman of the Committee on Financial Service.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I rise today to support the 30-day extension of Ex-Im's reauthorization. Let me take a few minutes to outline for my colleagues why this extension is so critical.

Without this 30 day extension, the Ex-Im Bank will not be forced to close its doors, but it will be prevented from doing any new business transactions. What does that mean? It means many U.S. manufacturers will have to sit idle waiting for a full-term authorization, losing millions of dollars in business every day. It means that workers whose jobs depend on exports financed by the Ex-Im Bank will face an unclear future.

It means that the international export community will view the U.S. Congress as unsupportive of U.S. exporters and will seek to capitalize by convincing foreign markets that they cannot rely any longer on U.S. manufacturers. I have already received a copy of a letter that calls into question the ability of Ex-Im to transact future deals. That is the international perception. It is critical that we refute that view by passing this legislation.

Mr. Speaker, tomorrow the House is scheduled to consider a 4-year reauthorization of Ex-Im that was approved by the Committee on Financial Services in October of last year. That legislation, H.R. 2871, received broad bipartisan support in the committee and was approved by a voice vote.

I want to thank the gentleman from Nebraska (Mr. BEREUTER), the chairman of the Subcommittee on International Monetary Policy and Trade, who, over the past several months, has worked closely with the administration to remedy some of its concerns related to the original legislation. Many of those concerns have been addressed and will be included in a manager's amendment to the legislation.

Mr. Speaker, the Ex-Im Bank is a vital tool for the American exporting community. The Ex-Im Bank provides loan guarantees, insurance and direct loans to U.S. manufacturers that seek

to reach overseas markets when there is no available commercial financing or direct competition from another export credit agency.

There are over 70 foreign export credit agencies supplying more than $500 billion in financing for international exports. In order to remain competitive in the international arena, U.S. exporters need the Ex-Im Bank to compete on a level playing field. Without Ex-Im, our manufacturers would face an international market full of goods receiving government sponsored support, making it more difficult for them to offer their goods at a competitive price. Additionally, without Ex-Im, it will be more difficult for U.S. goods to reach emerging markets, effectively closing out the opportunity for U.S. businesses to build a customer base in those countries.

Let me reiterate, Mr. Speaker we will take up the full authorization for the Ex-Im Bank tomorrow, but today we must extend the charter of the bank for 30 days to ensure that Ex-Im can continue to create new business. I urge my colleagues to join me in voting to approve this 30-day extension of the bank and let the world know that we support American manufacturers, we support American workers and we support the American economy.

Mr. SANDERS. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from New York (Mr. LAFALCE), the ranking member of the Committee on Financial Services.

(Mr. LAFALCE asked and was given permission to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, I find myself in agreement with much of what has been said by my friend the gentleman from Nebraska (Mr. BEREUTER) and my friend the gentleman from Ohio (Mr. OXLEY), so I rise in strong support of this 30-day extension of the Ex-Im Bank.

I think it is imperative that we continue the existence of Ex-Im Bank until no other country has the means of subsidizing their exports. Otherwise, we would be engaging in unilateral disarmament. We cannot do that. I do not foresee the day in the near future when we are going to have a multilateral agreement that ends all subsidies of exports.

So, this is really a necessity for survival. If we did not extend Ex-Im Bank, basically you would have to shut down its operations. That is just untenable.

Having said that, let me also say I share some of the concerns of my good friend, the gentleman from Vermont (Mr. SANDERS), both with respect to procedure and with respect to substance. About 30 days ago when we had another 30-day extension, I said that it would be difficult for me to support another extension unless we had come to the floor or would be coming to the floor with the authorization bill.

I wish we had done it in the past 30 days, but we are doing it tomorrow. So that is good enough, we are doing it tomorrow. But also my assumption is, and I am supporting the 30-day extension on the assumption that the gentleman from Vermont (Mr. SANDERS) and others who have differences of opinion, who want to perfect the bill, will be given the opportunity to offer their amendments on the floor of the House so they can be voted up or down.

On the basis of that assumption, I can and do support the bill.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I would like to confirm the gentleman's understanding and expectation. This Member has specifically urged the Committee on Rules and our colleagues in the Committee on Financial Services to make in order, for example, the Sanders amendment and the amendment of the gentlewoman from Illinois (Ms. SCHAKOWSKY) and others that were offered in committee but which were not approved.

I expect and am very assured that we are going to have a structured but broadly open bill for discussion tomorrow and that the concerns of the distinguished gentleman (Mr. LAFALCE) will be addressed tomorrow in the debate.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Nebraska.

Mr. LAFALCE. Mr. Speaker, reclaiming my time, I find that a very persuasive reason for supporting today's bill. I thank the gentleman from Nebraska.

Mr. SANDERS. Mr. Speaker, I am very happy to yield such time as he may consume to the distinguished gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the ranking member for yielding me time.

Mr. Speaker, I just heard this last colloquy with the gentleman from New York. If he still has faith in the Committee on Rules around here, that we are going to get a rule that will allow us to offer our amendments, I am going to pray tonight, I will burn a candle, I will do everything necessary, but let us see what happens about that tonight.

Now, the Export-Import Bank, I do not get this around here. $673 million in loans and loan guarantees for projects related to the Enron Corporation. Has that corporation been lifted up into this debate? Does anybody want to defend that? I will yield to them right now. $673 million in loans, leaving the taxpayers exposed to $514 million in loans.

Then they approved a $300 million loan for an Enron-related project in India, even though the World Bank, for whom I have not always praise, has refused to finance the very same project because it was not economically viable.

□ 1545

So what goes on here? This was created in the Depression to create jobs, and now they are operating in a totally reverse strategy. Is this new information to the committee? And they are providing the money to the Fortune 500 corporations, which are nice people and I like them a lot, but they are the ones that are contracting the labor force into United States as we meet.

So I come to this debate a little bit confused.

Mr. SANDERS. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Speaker, the gentleman comes from Detroit where General Motors is. How many workers have been laid off by General Motors, a major recipient of the Export-Import Bank? Does the gentleman have any idea?

Mr. CONYERS. Yes, Mr. Speaker. Roughly 200,000.

Mr. SANDERS. Well, they must be doing a good job with the money that they are getting. They sure are.

Mr. CONYERS. Mr. Speaker, from 559,000 to 314,000, and that is just one of the automobile corporations; they are all contracting. And most of the Fortune 500 companies are contracting their workforce. So how do we end up thinking that this is very important because this does not protect American workers? Why are we here?

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 5 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY), a member of the Committee on Financial Services.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in bipartisan support of the 30-day extension reauthorization of the Export-Import Bank. One month ago Congress successfully passed a 30-day reauthorization by voice vote, and I urge my colleagues to once again support keeping the bank in business as we finish the reauthorization tomorrow.

Since 1934, the Ex-Im Bank has helped finance the sale of U.S. products around the world by providing loan guarantees, loans, and export credit insurance for U.S. businesses. While some opponents of the bank argue that it has outlived its use, I believe its mission is increasingly relevant in today's competitive global economy, especially as new opportunities for U.S. exports increase in emerging markets.

In politically developing regions like Eastern Europe and the former Soviet Union, projects often require the support of an export credit agency, and without Ex-Im Bank, they would be more likely to fall to foreign competitors.

Exports are increasingly important to the U.S. economy. The U.S. is far more dependent on exports today, which form a larger share of the GNP, than in the 1930s. In fiscal year 2000, the bank supported over $15.5 billion in U.S. exports, on a subsidy of $759 million.

The important point to remember about the bank is that it is a lender of last resort. It offers guarantees for loans that otherwise would not be made. Mr. Speaker, $15.5 billion may not be a large number in relation to the entire U.S. economy, but this $15.5 billion represents economic activity and U.S. jobs that, without Ex-Im Bank, support would not be available to American workers.

Across the country, Ex-Im Bank support goes to businesses, both large and small. I am frequently visited by constituents who use the Ex-Im Bank. In my district in New York, the bank has worked with financial institutions, import-exporters and manufacturers, totaling over $1 billion in exports since 1995. During this period, the bank has supported 72 different businesses in my district alone, including 19 small businesses.

While today's vote will keep the bank in business for 30 days, the House will consider the bank's reauthorization through 2005 tomorrow.

With the leadership of the ranking member, the gentleman from New York (Mr. LAFALCE) and the chairman of the committee, the gentleman from Ohio (Mr. OXLEY) and the subcommittee chairman, the gentleman from Nebraska (Mr. BEREUTER), this reauthorization builds on the bank's past successes. It has strong bipartisan support, and it also includes an amendment I offered in the subcommittee giving the bank explicit authority to turn down an application for Ex-Im support when a company has engaged in fraudulent business practices.

Mr. Speaker, this is an important institution, and I urge its continued support, both today and tomorrow.

Mr. SANDERS. Mr. Speaker, I yield myself such time as I may consume.

Last summer, I worked with my very good friend, the distinguished chairman of the subcommittee, the gentleman from Nebraska (Mr. BEREUTER) on issues relating to the Export-Import Bank. In fact, we introduced a bill, H.R. 2517, that would have gone a very long way in protecting the taxpayers of this country from corporate welfare and in protecting American workers, and I want to thank the gentleman from Nebraska for his support of that effort. A markup was scheduled to take place on that bill but, out of nowhere, the markup was canceled, and my suspicion is that the moneyed interests who like the Export-Import Bank as it is right now sent down the word from on top that that markup never take place. What we have in front of us is an outrageous example of corporate welfare.

Mr. Speaker, my feeling is that the American people who, in many instances, are working longer hours for lower wages than was the case 20 or 30 years ago, many of whom have no health insurance, our seniors do not have prescription drugs, we face a housing crisis, a child care crisis; in the midst of all of this, people are saying, why are the taxpayers of this country providing huge subsidies and loans to the largest multinational corporations in the world who pay their CEOs huge salaries, give them huge benefits, and companies that take this money from the taxpayers say, thank you very much and, oh, by the way, we are laying you off because we are going to China and hiring somebody at 20 cents an hour.

I think the American people want us to protect their dollars. I think they want us to protect American workers.

What is so bad about saying to a corporation, if you want taxpayers' money, then you have to protect American jobs? What a radical idea. But it is an idea that has not yet come to the Export-Import Bank.

There are a number of reasons why we should vote ''no'' and send a message to the Export-Import Bank.

Number 1, major corporations take the money, lay off American workers, and run abroad.

Number 2, the Export-Import Bank, as the gentleman from Michigan (Mr. CONYERS) indicated, has provided $673 million in financing to questionable Enron-related projects, projects, in some instances, that the taxpayers of this country may have to pick up the tab for.

Number 3, the Export-Import Bank is hurting steel workers. The Export-Import Bank has provided an $18 million loan to help a Chinese steel mill purchase equipment to modernize their plant. This Chinese company has been accused of illegally dumping steel into the U.S. According to the United Steel Workers of America, ''It is disgraceful that the U.S. Government is bankrolling Chinese steel production when U.S. steel companies are declaring bankruptcy and American workers are being laid off.''

Number 4, the Export-Import Bank is helping the Chinese military. The Export-Import Bank is subsidizing Boeing aircraft sales to the Chinese military. According to the President of Machinist Local 751, ''Boeing used to make tail sections for the 747s in Wichita, but they moved the work to a military factory in Xian, China. Is this Boeing's definition of free trade, to have American workers compete with Chinese labor making $50 a month under military discipline?''

Number 5, the Export-Import Bank is helping General Electric ship jobs to Mexico.

Number 6, the Export-Import Bank is helping AT&T ship jobs to China. And on and on and on it goes.

Mr. Speaker, in my view, if we keep the Export-Import Bank, we should have firm guarantees from the companies that receive the money that they are going to grow American jobs, they are going to hire more and more workers, not lay them off. In my view, a much larger percentage of money from the Export-Import Bank should go to the small business community, the people who are creating jobs in America, not to the big corporations who are sending our jobs abroad.

So, Mr. Speaker, I believe that the time is now to send a message to the Export-Import Bank who have, for so long, ignored the needs of the American taxpayer and have ignored the needs of American workers. Let us shut them down. Let them think. Give them some time to think. This is going to be a very good reflective time, contemplative time. They could take the time off, go home, meditate, and try to understand how they can represent American workers and American taxpayers, rather than just the multinational corporations.

So I urge a ''no'' vote. I will insert into the RECORD at this time a statement from the United States Business and Industry Council, which opposes the extension; a statement from the Cato Institute that opposes the extension; and a statement on behalf of the Paper, Allied-Industrial, Chemical and Energy Workers representing 320,000 American workers who want to keep their jobs in this country.

The statements are as follows:

UNITED STATES BUSINESS AND INDUSTRY COUNCIL,

April 29, 2002.

OPPOSE THE 30–DAY EXTENSION OF THE EXPORT-IMPORT BANK—REQUIRE THAT IT SUPPORT JOBS AND INDUSTRY IN AMERICA, NOT OVERSEAS

On Tuesday, April 30, 2002, a 30-day extension of the Export-Import Bank will be on the House Suspension Calendar. On behalf of our domestic American member companies, we urge that you vote against S. 2248.

The Export-Import Bank was created in 1934 to increase U.S. jobs through exports. Today, the Export-Import Bank has strayed from this mission. It is now providing billions of dollars to multinational companies that are laying-off hundreds of thousands of American workers and shipping their jobs overseas.

By opposing the 30-day extension, you will be sending a message to the Export-Import Bank that it should only support companies and projects that increase jobs in the United States.

EXPORT-IMPORT BANK'S TOP CLIENTS CUT THEIR WORKFORCE

Time Magazine reports the top 5 recipients of Ex-Im subsidies over the past decade have reduced their workforce by 38%—more than a third of a million jobs lost. These five companies, which include giants Boeing and General Electric, have received more than 60% of all Ex-Im subsidies.

THE EXPORT-IMPORT BANK HAS HELPED CHINESE STEELMAKERS

The Export-Import Bank has provided an $18 million loan to help a Chinese steel mill purchase equipment to modernize their plant. This Chinese company has been accused of illegally dumping steel into the American market. The U.S. government should not bankroll Chinese steel production when U.S. steel companies are being forced into bankruptcy by imports.

THE EXPORT-IMPORT BANK IS HELPING THE CHINESE MILITARY

The Export-Import Bank is subsidizing Boeing aircraft sales to China. Yet, Boeing has been increasing the amount of aircraft production it does in China. It used to make tail sections for the 737 in Wichita, but then moved the work to a military factory in

Xian, China. Besides being questionable on commercial grounds, such deals amount to the Ex-Im Bank subsidizing Beijing's defense industry at a time when China's military buildup threatens the stability of Asia.

These practices must end. Oppose the 30-day extension of the Export-Import Bank.

THE CATO Institute,
April 30, 2002.

TIME TO RETIRE THE EXPORT-IMPORT BANK, CATO STUDY CONCLUDES

WASHINGTON.—The House of Representatives faces a vote this week on whether to reauthorize the Export-Import Bank of the United States. A recent study published by the Cato Institute, ''Rethinking the Export-Import Bank,'' finds that, ''the Ex-Im Bank is a Great Depression-era agency that has little relevance in a time of increasingly open and sophisticated global markets.''

According to the study:

Generous export subsidies don't equal better export performance. The United States exported roughly twice as much in 2000 as it did in 1990. By comparison, Germany's exports increased by 34%, Japan's by 66%, the U.K.'s by 51%, and France's by 36%. Yet according to a 1997 GAO analysis of official export support, the United States subsidized a much smaller share of its exports than any of these other nations. In addition, most (more than 80%) beneficiaries of Ex-Im financing do not face subsidized competition.

Export subsidies don't increase net employment or ''improve'' the trade balance. By overriding the market, the Bank directs credit to less efficient uses, creating distortions in the national economy, and imposing opportunity costs that are higher than the added value of the Bank's intervention.

It is neither fair nor constitutional that taxpayer dollars are being used to support particular businesses, including Enron, GE, and numerous other multibillion-dollar beneficiaries. Indeed, in FY2000, the top 10 recipients of the Bank's loans and long-term guarantees were large corporations that got 86% of those services. Private credit markets are far deeper and are more accessible than during the Great Depression when the Bank was founded, and large corporations should have no trouble financing creditworthy projects.

''Rethinking the Export-Import Bank'' can be found at *http://www.freetrade.org/pubs/briefs/tbp-015es.html*. Daniel Griswold, associate director of Cato's Center for Trade Policy Studies, is available to provide comments and background. He can be reached at (202) 789–5260, or dgriswold@cato.org.

PACE,
April 29, 2002.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the Paper, Allied-Industrial, Chemical and Energy Workers International Union (PACE) and our 320,000 members I would like to express our opposition of the bill to provide for a 30-day extension of the Export-Import Bank. The bill will be on the Suspension Calendar for Tuesday, April 30, 2002. We urge that you vote against this legislation.

The Export-Import Bank was created in 1934, in the midst of the Great Depression, to increase U.S. jobs through exports. Unfortunately, the Export-Import Bank has reversed this strategy and is now providing billions of dollars in corporate welfare to large, multinational companies. In many instances, the companies that receive Export-Import Bank support are precisely the ones that are laying-off hundreds of thousands of American workers and shipping those jobs overseas to China and Mexico.

By opposing the 30-day extension, we will be sending a message to the Export-Import Bank and its supporters: start protecting American workers, stop financing Enron-related projects, support our struggling steel industry, and only support companies that are working hard to increase jobs in the United States—not the ones that are exporting jobs. If we are successful, the Export-Import Bank may have to close its doors for one day. Hopefully, this 24-hour period will enable the bank to consider changing its policies to help American workers—not the multi-national companies that are shipping jobs overseas.

Here are the top five reasons to oppose this bill:

1. The Export-Import Bank Provides Corporate Welfare To Companies That Ship jobs Overseas.

On August 8, 1996, the director of the AFL–CIO task force on trade said that: ''Ex-Im financing is corporate welfare with a fig leave of U.S. jobs.''

According to Time Magazine, the top 5 recipients of Ex-Im subsidies over the past decade which include Boeing and General Electric have reduced their workforce by 38%—more than a third of a million jobs down the drain. These same 5 companies have received more than 60 percent of all Export-Import subsidies.

2. The Export-Import Bank Has Provided $673 million in Financing to Questionable Enron-related projects.

Since 1994, the Export-Import Bank has provided $673 million in loans and loan guarantees for projects related to the Enron Corporation leaving taxpayers exposed to $514 million. The Ex-Im Bank approved a $300 million loan for an Enron-related project in India even though the World Bank repeatedly refused to finance this project because it was ''not economically viable.''

According to Human Rights Watch, Amnesty International, Friends of the Earth and the Indian media, ''Enron subsidiaries paid local law enforcement to suppress opposition to its power plant in which they arbitrarily beat and arrested dozens of villagers.''

3. The Export-Import Bank Is Hurting Steelworkers.

The Export-Import Bank has provided an $18 million loan to help a Chinese steel mill purchase equipment to modernize their plant. This Chinese company has been accused of illegally dumping steel into the U.S. According to the United Steelworkers of America, ''It's disgraceful that the U.S. government is bankrolling Chinese steel production when U.S. steel companies are declaring bankruptcy and American workers are being laid-off.''

4. The Export-Import Bank Is Helping Boeing Ship Jobs to China.

The Export-Import Bank is subsidizing Boeing aircraft sales to China. According to the President of Machinists' Local 751: ''Boeing used to make tail sections for the 737 in Wichita, but they moved the work to a military factory in Xian, China. Is this Boeing's definition of free trade, to have American workers compete with Chinese labor making $50 a month under military discipline?''

5. The Export-Import Bank Is Helping General Electric Ship Jobs to Mexico.

The Ex-Im Bank insured a $3-million loan to aid General Electric build a factory where Mexican workers will make parts for appliances to export back to the United States. This project is responsible for the loss of 1,500 American jobs in Bloomington, Indiana. Their jobs will now be performed by Mexican workers who are making $2 per hour.

These practices must end. Oppose the 30-day extension of the Export-Import Bank bill.

Sincerely,

LOWELL ''PETE'' STRADER.

Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in fact, the legislation that we will take up tomorrow will be requiring an increase of Ex-Im Bank funds for small business—a requirement of not less than 20%. Already, 86 percent of the transactions of the Export-Import Bank do involve small business.

This is not a question about sending a message to the Export-Import Bank by failing to approve this 1-month extension today. This is a very serious matter for it would not be just a 24-hour hiatus. This, in fact, will disturb the Ex-Im transactions now under review. It will be particularly damaging to the small business community, as I pointed out in my earlier remarks.

A ''Dear Colleague'' has been sent around to Members of the House. It states that, in fact, this is only a small message, a 24-hour period. As I said, this is not accurate. If the House does not vote in favor of Ex-Im's 30-day reauthorization, the bank will not be able to transact any new business until there is agreement between the House and the Senate on the terms of Ex-Im's reauthorization. In fact, the unfortunate message that would be sent is a real one to American exporters that we have no confidence in the Export-Import Bank.

I would like to address 4 specific points that were made in the ''Dear Colleague'' letter. First of all, the Export-Import Bank is not corporate welfare. As I mentioned, 86 percent of Ex-Im's transactions are with small businesses. Ex-Im charges interest on its direct loans and premiums for its guarantees and insurance, costs that the U.S. exporters usually pass through to the overseas customers. Those charges usually range from 5 percent to 17 percent of the financing obtained, depending upon the risk.

Number 2, the Export-Import Bank, like other institutions was, in fact, a victim of Enron. The entire U.S. economy was caught off guard when Enron folded, including the Ex-Im Bank.

□ 1600

But Ex-Im is receiving installment payments from Enron for all Enron-related transactions. Ex-Im is participating fully in the Justice Department investigation to determine if Enron made any false statements to the government with respect to export-import transactions.

Number three, the Export-Import Bank Extension Act does fight for steelworkers. The full reauthorization bill, which will come to the floor tomorrow, has a very important provision added at the suggestion or at the amendment of our colleague from the committee, the gentleman from Pennsylvania (Mr. TOOMEY).

That legislation addresses the $18 billion guarantee approved by the Export-Import Bank in December of 2000 to

support the sale of computer software by American exporters to Benxi Iron and Steel Company in China. The Benxi Company was subject to a final determination of steel dumping by the International Trade Commission subsequent to that transaction approval.

The bill conforms Ex-Im lending to current U.S. trade laws now, because of the Toomey amendment, by barring any Ex-Im loan or guarantee for production of substantially the same product that is the subject of a countervailing duty or anti-dumping order or a section 201 determination by the International Trade Commission.

The legislation now also requires the Export-Import Bank to develop procedures for loans and loan guarantees to a business, which is subject to a preliminary countervailing trade duty or an anti-dumping determination of material injury. So we have taken very specific action in the committee on the Toomey amendment to address the concerns that came out of the Benxi steel case.

Fourth, I would say the Export-Import Bank is critical in maintaining U.S. jobs. It creates thousands of jobs every year.

I would like to give a quote from John J. Sweeney, the President of AFL–CIO. He says, ''As far as we're concerned, corporations which receive subsidies from the Export-Import Bank are merely vehicles through which jobs and income for American workers are created.''

I might also mention, this legislation is supported by the International Association of Machinists and Aerospace Workers. They strongly support passage of the legislation.

Now is not the time to take an action that is not responsible. We need to approve the 1-month extension today to keep the disruption from the Export-Import Bank's customers, the American exporters, from taking place.

We will have a full debate tomorrow. I am confident that the bill will give the gentleman from Vermont (Mr. SANDERS), for example, and other key members of the committee, as well as certain other Members of the House who have important amendments, an opportunity to present such amendments to be fully debated, and if necessary, a vote in the House.

Mr. Speaker, it is important we approve this legislation today under suspension. I urge my colleagues to support the passage of S. 2248.

Mr. LAFALCE. Mr. Speaker, I rise in strong support of this 30-day extension of authorization for the Export-Import Bank. Absent this extension, the Bank's authorization will expire, forcing Ex-Im to begin liquidation of its existing contracts and prohibiting any new transactions.

It is very important to understand that this 30-day extension is independent of consideration of H.R. 2871, the 4-year reauthorization of the Ex-Im Bank. H.R. 2871 will be considered tomorrow under a rule, which will give Members an opportunity to offer and debate amendments to the bill. That is the appropriate venue for consideration of more substantive issues related to the Bank's authorization. Today's 30-day extension is necessary to avert a major disruption of Ex-Im operations during the time it takes to consider H.R. 2871 and conference it with the Senate.

Failure to pass the 30-day extension will not only harm the reputation of the Ex-Im Bank. It will also cause serious economic harm to American businesses, including the thousands of small business exporters that account for 90 percent of the Bank's transactions. It will be a setback for U.S. credibility in the global economy, potentially triggering lack of confidence in the U.S. government as a creditor and guarantor in international financial transactions. And it will send the wrong message on the foreign policy front at a time when we are working hard to engage with other countries in the war on terorism.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the Senate bill, S. 2248.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SANDERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, on roll call vote 114 last Thursday, April 24, I am not listed as having voted, although I am quite certain I placed my voting card into the voting machine.

Let the record show I intended to vote no on roll call vote 114, the Issa amendment to the Immigration Reform and Accountability Act.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 347) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The Clerk read as follows:

H. CON. RES. 347

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

(a) IN GENERAL.—The National Fraternal Order of Police and its auxiliary (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, the 21st annual National Peace Officers' Memorial Service (in this resolution jointly referred to as the ''event''), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2001.

(b) DATE OF EVENT.—The event shall be held on May 15, 2002, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 347 authorizes the use of the Capitol Grounds for the 21st Annual National Peace Officers' Memorial Service to be held on May 15, 2002.

In 2001, over 230 Federal, State, and local law enforcement officers were killed in the line of duty protecting and serving our Nation. The officers remembered in this service represent the risk involved in civilian protection, as well as the selflessness necessary to perform their duties. This memorial service will honor the courage and commitment of these men and women.

The memorial service will be one part of the annual Police Week, which is sponsored by the National Law Enforcement Officers Memorial Fund. This week of special events always occurs during the calendar week in which the National Peace Officers Memorial Day falls.

The week features such events as the Eighth Annual Blue Mass at St. Patrick's Catholic Church, the National Police Challenge 50K relay, the 7th Annual Motorcycle Dice Ride, the Seventh Annual Law Ride, the 14th Annual Candlelight Vigil at the National Law Enforcement Officers' Memorial, the Fraternal Order of Police and Auxiliary Wreath-laying Ceremony, and the

memorial service authorized by this resolution.

I am proud and honored to bring this bipartisan resolution to the floor. I urge my colleagues to join me in supporting this resolution, which honors the many brave men and women of law enforcement who gave their lives in the line of duty to make America a safer place to live and work. I urge my colleagues to join me in supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 347 authorizes the use of the Capitol Grounds for the 21st Annual National Peace Officers' Memorial Service, a most solemn and respectful public event honoring our Nation's brave civil servants. The event, scheduled for May 15, will be coordinated with the Office of the Architect of the Capitol and the Capitol Hill Police.

I strongly support this tribute to Federal, State, and local police who gave their lives in the daily work of protecting our families, our homes, our places of work, and us. Over 230 brave men and women were killed in the line of duty during 2001. Included in that number are the 72 officers who lost their lives on September 11, 2001.

On average, one officer is killed in this country every other day, approximately 23,000 are injured every year, and thousands are assaulted going about their daily routines.

During 2001, 219 policemen and 11 policewomen were killed. The average age of those killed was 38 years, and they had an average of 11.7 years of service. The youngest was 21 years old and the oldest was 78 years. Their years of service range from being a rookie to 38 years.

Today, peace officers often must keep the peace even in the homeland, as we saw on September 11, especially here in the District of Columbia. They must be prepared for the unimagined, not only to prevent crime but to prevent disaster, biological and terror.

Mr. Speaker, the ceremony to be held on May 15 is the 21st anniversary of this memorial service. Consistent with all Capitol Hill events, the memorial service will be free and open to the public.

I support the resolution, and I urge my colleagues to join me in supporting this tribute to our fallen peace officers.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H. Con. Res. 347 and urge my colleagues to join me in support of this important resolution, which authorizes the use of the Capitol Grounds for the National Peace Officers' Memorial Service on May 15, 2002.

President Kennedy proclaimed May 15th as National Peace Officers' Memorial Day. Each year on this date we, as a Nation, have an opportunity to honor the dedication and devotion of our Nation's peace officers. This May will mark the 21st anniversary of the Memorial Service on the Capitol Grounds. The tragic events of September 11 have reminded us of the great personal sacrifices that our Nation's peace officers make in order to serve the public. Their selflessness has become a model of American strength and courage.

There are approximately 700,000 sworn law enforcement officers serving the American public today. During 2001, more than 230 peace officers were killed in the line of duty, of those killed, eleven were women. The average age of those killed in the line of duty was 38 years. The youngest officer killed was 21; the oldest was 78.

It is most fitting and proper to honor the lives, sacrifices, and public service of our brave peace officers.

I urge support for H. Con. Res. 347.

Mr. COSTELLO. Mr. Speaker, H. Con. Res. 347 authorizes use of the Capitol Grounds for the 21st annual National Peace Officers Memorial Service—a most solemn and respectful service. As a former law enforcement official, this ceremony has a special meaning to me, and I strongly support this resolution that honors the police officers, 230 brave men and women, who gave their lives in the daily work of protecting our families and us.

On average, one officer is killed in this country every other day, approximately 23,000 are injured every year, and thousands are assaulted going about their daily routines.

During last year very devoted, heroic officers from the ranks of State, local and Federal service were killed in the line of duty—219 men, and 11 women were killed. The average age of those killed was 38 years, and they had an average of 11.7 years in service.

In my State of Illinois 7 brave police officers dies in the line of duty during 2001—At this time I would like to read their names into the RECORD:

Myron Deckard—Vermillion County, Illinois
Stanley Talbor—Illinois State Police
Brian T. Strause—Chicago
Kevin Rice, Sr.—Rockford
Eric D. Lee—Chicago
Donan J. Faulkner, Jr.—Peoria
Hector A. Silva—Chicago

Mr. Speaker, the ceremony to be held on May 15 is the 21st anniversary of this memorial service. I support the resolution and urge my colleagues to join me in supporting this tribute to our fallen Peace Officers.

Mrs. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 347.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL BOOK FESTIVAL

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 348) authorizing the use of the Capitol Grounds for the National Book Festival.

The Clerk read as follows:

H. CON. RES. 348

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR NATIONAL BOOK FESTIVAL.

(a) IN GENERAL.—The Library of Congress (in this resolution referred to as the ''sponsor''), in cooperation with the First Lady, may sponsor the National Book Festival (in this resolution referred to as the ''event'') on the Capitol Grounds.

(b) DATE OF EVENT.—The event shall be held on September 21, 2002, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may cause to be placed on the Capitol Grounds such stage, seating, booths, sound amplification and video devices, and other related structures and equipment as may be required for the event, including equipment for the broadcast of the event over radio, television, and other media outlets.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make any additional arrangements as may be required to carry out the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, advertisements, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 348 authorizes the use of the Capitol Grounds for the Library of Congress's National Book Festival, to be held on September 21, 2002. The National Book Festival is a two-day event that will educate children, promote the use of libraries, and encourage the joys of reading.

On Saturday, September 21, First Lady Laura Bush will launch the Second Annual National Book Festival by

connecting with children all across America through live satellite feeds and Web casting of the event. This will be hosted from the main reading room of the Library of Congress for a captivating afternoon reading program. The reading celebration continues at the Thomas Jefferson Building and on the grounds of the United States Capitol.

Much of the weekend's festivities are modeled after a similar book festival that the First Lady launched in Texas. A variety of noted authors and national celebrities will participate, offering readings throughout the afternoon. In addition, folk, jazz, and blues artists will chronicle American storytelling through music.

The President and First Lady have been strong advocates of education and reading, since it serves as the foundation from which we all learn and grow. I encourage any Members in town that weekend to attend this event with their young family members, in addition to encouraging their constituents to participate in this event, either those that live here in Washington or via the Internet.

I support the resolution, and strongly urge my colleagues to join in support.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the gentlewoman from West Virginia (Mrs. CAPITO) in support of House Concurrent Resolution 348, to authorize using the Capitol Grounds on September 21 for the National Book Festival.

The event, jointly hosted by the Library of Congress and First Lady Laura Bush, is intended to promote the Nation's libraries and celebrate the joys of reading. The book festival, held in September of 2001, was a huge success, drawing approximately 30,000 people to Capitol Hill to enjoy public readings and listen to poetry and music.

The book signings by the festival's invited authors proved to be so popular that the authors had to be moved out of doors to deal with the long lines of loyal fans, leaving many of them to comment that they felt like rock stars.

The book festival 2002 is also expected to be as successful, with prominent authors, music, and other activities throughout the day. As with all events on the Capitol grounds, it is open to the public and is free of charge, and has the support of the Joint Committee on the Library.

The sponsors of this event will coordinate with the Architect of the Capitol and the Capitol Police.

Mr. Speaker, cities all over the United States, localities of every kind, are choosing books for the entire locality to read to once again promote the joy of reading in our society.

I can think of no more worthwhile on-site activity for this Congress to authorize than promoting the reading of books and the joy of reading itself for adults and children alike.

The book festival is a very worthwhile endeavor, and I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 348.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 354) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The Clerk read as follows:

H. CON. RES. 354

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On June 7, 2002, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2002 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the ''event'') may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 353 authorizes the 2002 District of Columbia Special Olympics Law Enforcement Torch Run, to be conducted through the grounds of the Capitol on June 7, 2002. The Capitol Police will host the opening ceremonies for the run, starting on Capitol Hill, which will be free of charge and open to the public.

Over 2000 law enforcement officers representing 60 local and Federal law enforcement agencies will carry the Special Olympics torch in honor of and to show their support for the 2,500 Special Olympians who will participate in this annual event.

For over a decade, Congress has supported this worthy endeavor by enacting resolutions for the use of the grounds. Since its inception, the Torch Run has been launched from the West Terrace of the Capitol building.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this event needs little introduction. 2002 marks the 34th anniversary of the D.C. Special Olympics. The torch relay event is a traditional part of the opening ceremony for the Special Olympics, which takes place at the Gallaudet University here in the District of Columbia.

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Each year, approximately 2,500 Special Olympians compete in over a dozen events and over one million children and adults with special needs participate in the Special Olympic worldwide programs. The event is supported by literally thousands of volunteers. The goal of the games is to help bring mentally handicapped individuals into the larger society under conditions whereby they are accepted and respected. Confidence and self-esteem are the building blocks of these Olympic games.

I enthusiastically support this resolution and the very worthwhile endeavor of the Special Olympics. I urge passage of H. Con. Res. 354.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 354.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 356) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The Clerk read as follows:

H. CON. RES. 356

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (in this resolution referred to as the ''Association'') shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on June 22, 2002, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 356 authorizes the use of the Capitol grounds for the greater Washington Soap Box Derby qualifying races to be held on June 22, 2002.

The event is open to the public and free of charge and the sponsor assumes responsibility for all expenses and liabilities related to the event.

The races are to take place on Constitution Avenue between Delaware Avenue and Third Street Northwest. The participants competing in the events are residents of the Washington metropolitan area and range in ages from 9 to 16. Participants will compete in three open divisions based on their experience in building their vehicles. This event is currently one of the oldest of its kind in the country, having taken place for over 55 years. The winner will go on to represent the Washington metropolitan area at the national finals to be held in Akron, Ohio, later in the summer.

Participants in these events learn the value of hard work, dedication and attention to detail, since any loose parts or screws may affect their time in the event.

I support the resolution and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to join the sponsor in supporting H. Con. Res. 356 and acknowledging the efforts of the gentleman from Maryland (Mr. HOYER), who has been such a great champion for his constituents for this event.

As usual, this event has bipartisan support with co-sponsors including the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Virginia (Mr. WOLF) and the gentleman from Virginia (Mr. MORAN), the gentleman from Maryland (Mr. WYNN), and myself.

H. Con. Res. 356 authorizes use of the Capitol grounds for the Greater Washington Soap Box Derby. Youngsters ages 9 through 16 construct and operate their own soap box vehicles. On June 22, 2002, these youngsters of the greater Washington area race down Constitution Avenue to test the principles of aerodynamics in hand-designed and -constructed soap box vehicles.

Many hundreds of volunteers donate considerable time supporting the events and providing families with a fun-filled day. The event has grown in popularity and Washington is now known as one of the outstanding race cities. In keeping with standard procedures, the event is conducted under conditions prescribed by the Architect of the Capitol and the Police Board. It is free and open to the public.

Mr. Speaker, I support H. Con. Res. 356 and thank the gentleman from Maryland (Mr. HOYER) for his work in originating this resolution.

Mr. HOYER. Mr. Speaker, for the past ten years, I have sponsored a resolution for the Greater Washington Soap Box Derby to hold its race along Constitution Avenue.

Once again, I am proud to have sponsored H. Con. Res. 356 to permit the 65th race of the Greater Washington Soap Box Derby. It is scheduled to take place on the Capitol grounds on Saturday, June 22, 2002.

This resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the Greater Washington Soap Box Derby Association to negotiate the necessary arrangements for conducting the race in complete compliance with the rules and regulations governing the use of the Capitol grounds.

I request my colleagues to join with me, and other co-sponsors including representative JIM MORAN, CONNIE MORELLA, ELEANOR HOLMES NORTON, FRANK WOLF, and ALBERT WYNN in supporting this resolution.

The Soap Box Derby has been in the Washington, D.C., area since 1992. It has attracted over 50 contestants each year. The participants range from ages 9 to 16.

The participants work very hard to prepare for the local Soap Box Derby. They are given an opportunity to learn basic skills of workmanship. They build their own race cars from a kit provided by the All-American Soap Box Derby Program. The participants are able to enhance their building skills to create a basic style car.

Winners of three levels of the local race become eligible to compete in the National Soap Box Derby races held in Akron, Ohio. Prior to the National races, they attend a week of camp in ''Derbytown'' where they make lasting friendships while participating in a variety of sporting activities. The National races are held in August and give the participants a chance to win scholarships and merchandise prizes.

Mr. Speaker, this even has been called ''The Greatest Amateur Racing Event in the World''. This is a wonderful opportunity for our children from the District of Columbia, Maryland, and Virginia to venture into the world of science, while experiencing the spirit of competition.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 356.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolutions 347, 348, 354, 356, the measures just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

SUPPORTING NATIONAL BETTER HEARING AND SPEECH MONTH

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 358) supporting the goals and ideals of National Better Hearing and Speech Month, and for other purposes.

The Clerk read as follows:

H. CON. RES. 358

Whereas the National Institute on Deafness and Other Communication Disorders (NIDCD) reports that approximately 42,000,000 people in the United States suffer from a speech, voice, language, or hearing impairment;

Whereas almost 28,000,000 people in the United States suffer from hearing loss;

Whereas 1 out of every 3 people in the United States more than 65 years of age suffers from hearing loss;

Whereas although more than 25,000,000 people in the United States would benefit from the use of a hearing aid, fewer than 7,000,000 people in the United States use a hearing aid;

Whereas sounds louder than 80 decibels are considered potentially dangerous and can lead to hearing loss;

Whereas the number of young children who suffer hearing loss as a result of environmental noise has been increasing;

Whereas every day in the United States approximately 33 babies are born with significant hearing loss;

Whereas hearing loss is the most common congenital disorder in newborns;

Whereas a delay in diagnosing a newborn's hearing loss can affect the child's social, emotional, and academic development;

Whereas the average age at which newborns with hearing loss are diagnosed is between 12 and 25 months;

Whereas more than 1,000,000 children received speech or language disorder services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) during the school year ending in 1998;

Whereas children with language impairments are 4 to 5 times more likely than their peers to experience reading problems;

Whereas 10 percent of children entering the first grade have moderate to severe speech disorders, including stuttering;

Whereas stuttering affects more than 2,000,000 people in the United States;

Whereas approximately 1,000,000 people in the United States have aphasia, a language disorder inhibiting spoken communication that results from damage caused by a stroke or other traumatic injury to the language centers of the brain; and

Whereas for the last 75 years May has been celebrated as National Better Hearing and Speech Month in order to raise awareness regarding speech, voice, language, and hearing impairments and to provide an opportunity for Federal, State, and local governments, members of the private and nonprofit sectors, speech and hearing professionals, and the people of the United States to focus on preventing, mitigating, and curing such impairments: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of National Better Hearing and Speech Month;

(2) commends the 41 States that have implemented routine hearing screenings for every newborn before the newborn leaves the hospital;

(3) supports the efforts of speech and hearing professionals in their efforts to improve the speech and hearing development of children; and

(4) encourages the people of the United States to have their hearing checked regularly and to avoid environmental noise that can lead to hearing loss.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on H. Con. Res. 358.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H. Con. Res. 358, which supports the goals and ideals of a National Better Hearing and Speech Month. Approximately 42 million Americans suffer from a speech, voice, language or hearing disability. For the last 75 years, the month of May has been celebrated as National Better Hearing and Speech Month to help raise awareness on how to prevent, mitigate and cure these impairments.

Communication is indispensable for learning, working, playing, and enjoying family life and friendships. Children with listening difficulties due to hearing loss continue to be an underidentified and underserved population. The earlier the problem is diagnosed and addressed, the less serious the long-term impact. That is why I was so pleased that provisions relating to hearing loss in infants were included in the Children's Health Act of 2000. My good friend from New York (Mr. WALSH) was instrumental in this effort.

This resolution commended the 41 States that have implemented routine hearing screening for every newborn delivered in a hospital. I am happy to report that my home State of Florida vigorously promotes this policy by screening the newborns at all birthing facilities prior to discharge. Recent developments have shown that interventions to address auditory problems in newborns greatly enhanced the success rate in overcoming hearing-loss issues. Each adult and child with hearing loss is affected differently, which is why it is critical to detect hearing loss early and to determine the extent of loss in order to intervene appropriately.

This resolution encourages all Americans to have their hearing checked regularly and encourages individuals to avoid environmental noise that can lead to hearing loss.

Mr. Speaker, I urge my colleagues to support H. Con. Res. 358.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the National Institute of Deafness and Other Communication Disorders reports that some 40 million people suffer from a speech, voice, language, or hearing impediments.

Many of these impairments are found at birth. Every day about 33 babies are born with hearing loss, the most common congenital disorder in newborns. For the past 75 years, May has been celebrated as National Better Hearing and Speech Month, raising awareness about speech, voice, hearing, and language impairments.

Federal, State, and local governments, as well as members of the speech and hearing profession, have used May as an opportunity to educate the public about preventing, mitigating, and treating these impairments.

This resolution commends their work and that of the 41 States that have implemented routine hearing screening for every newborn.

I want to thank my colleague, the gentleman from Kansas (Mr. RYUN), and others for introducing this resolution; and I hope my colleagues would support it.

I would add, Mr. Speaker, as we occupy time on the House floor today doing not inconsequential things but things that do not directly have major positive impact on people's lives, passing resolutions like this, which I do support, and using them to educate the public about preventing and mitigating and treating speech and hearing loss, I think this Congress needs to do more on real health issues. That means issues like prescription drugs, issues like access to health care, issues like ensuring 40 million Americans are insured. Because to be sure, Mr. Speaker, checking for hearing, doing screenings, all of these things are programs that we can do something about.

In addition to doing a resolution, I would hope this Congress would put aside its fervor to cut taxes on the wealthiest people and instead would be using some of those resources for prescription drugs, for hearing and speech screening, for all the kinds of things that will make people's health care better and make people's lives better.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. RYUN), who not only is the author of this resolution but who has personally experienced this problem and who has shared that with many of us over the years.

Mr. RYUN of Kansas. Mr. Speaker, today I come to the House in support of the National Better Hearing and Speech Month. For 75 years, the month of May has been designated as a time to celebrate the hope available to Americans with speech and hearing impairments and to raise awareness about the need to protect their hearing.

Speech and hearing impairments impair the lives of many Americans. In fact, almost 28 million people in the United States suffer from a hearing loss. One out of every three people in the United States of an age greater than 65 suffer some sort of a hearing loss and every day in the United States approximately 33 babies are born with significant hearing loss.

As someone who has had a hearing impairment, I certainly know what a gift sound is, and I also know some of the struggles that go along with finding a proper hearing aid. My hearing loss is as a result of an illness that I had as a child. It was discovered a time later, and then it was decades before I could find the proper hearing devices to help me.

My wife, Ann, served as my hearing aid. She graciously helped me communicate for years before I could find the solution that would help me and I could work with.

Many dedicated professionals have assisted me over the years in my quest to find the help I have sought. And I would like to thank them for the work they have done in making not only my life better but so many others.

For those who have yet to have a hearing loss and have good hearing, I urge you to avoid harsh environments with noises that can damage your hearing and cause permanent hearing loss. Any sounds over 85 decibels can damage your hearing. For example, listening to an ambulance siren for 9 seconds, a smoke alarm for a minute and a half, or airplane cabin noise for a couple of minutes can damage your hearing. And I will say it is not retraceable. It is much easier to protect your hearing now than to suffering from hearing impairments.

I urge my colleagues to support May as National Better Hearing and Speech Month. It would be an encouragement not only to your constituents but those who suffer some sort of hearing and speech impairment back in the district, as well as those dedicated professionals who have worked together to help make this a better field.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, speaking earlier today, in fact, walking over from my office in Rayburn to the House floor to work with the gentleman from Florida (Mr. BILIRAKIS) on the Ryun legislation today, and I was talking to some people whose families have Alzheimer's, who are advocating for Alzheimer's patients, again, this Congress is falling short on substantive kinds of issues to help people with Alzheimer's. There are some four or five million people suffering from Alzheimer's today.

If we do not do the research right, if we do not take care of those people well enough, that number is going to be as high, they say, in the next few years as 14 million patients.

We are falling short on what we are doing for community health centers and the National Health Service Corps, from the Community Access Program that my friend, the gentleman from Texas (Mr. GREEN), has worked on, the Chronic Disease Prevention program with CDC, nurses shortage, pharmacist shortage, the problems with home health care reimbursement, the problems with physician reimbursements, the problems with hospitals, especially rural hospital and inner-city hospitals reimbursement.

Those are the kinds of issues this Congress should work on. Not to belittle this resolution, which is important to educate people on speech and hearing loss, but this Congress needs to get its act in gear and begin to deal with issues like prescription drugs and reimbursements issues for providers and all the kinds of public health issues that this Republican Congress does not seem too very interested in.

The gentleman from Florida (Mr. BILIRAKIS), the chairman of our subcommittee, has done yeoman's work in trying to bring these issues forward. Unfortunately, the Republican leadership is not nearly so interested as many of us are on the committee in moving forward on public health issues, on prescription drug issues, community health centers and community access programs and CDC, and all the things that really will make a difference beyond the passage of a few resolutions that this Congress seems intent on doing week after week after week.

□ 1630

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Before I yield to the gentleman from New York (Mr. WALSH), I would thank the gentleman from Ohio (Mr. BROWN) for his kind remarks. Certainly I do not disagree with them. I think it is important that all of us, rather than just a lot of rhetoric, sit down and try to work these things out, and if we have basically hard, fast, nonobjective thoughts about how things ought to be, nothing is ever going to get done.

I dare say that the gentleman from Ohio is not among the category of some people who would rather have an issue November. I really feel with my heart that he wants to do something about these things, and hopefully, working together, we can accomplish it.

Mr. Speaker, I yield such time as he might consume to the gentleman from New York (Mr. WALSH), the author of the hearing bill in the year 2000, who along with the gentleman from Kansas (Mr. RYUN) has really been the conscience of the Congress on this issue.

Mr. WALSH. Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS) for the leadership that he provides in this Congress on health issues and especially those that affect children.

I would respectfully disagree with my colleague from Ohio who spoke earlier. There is no partisanship in this issue. There is great leadership on both sides of the aisle from both parties. Our health is something we all hold in common.

I rise today in strong support of H. Con. Res. 358 designating May 2002 as National Better Hearing and Speech Month. I commend my colleague, the gentleman from Kansas (Mr. RYUN), for introducing this resolution and also for his hard work and contributions as a co-chair of the bipartisan Congressional Hearing Health Caucus. Because of his personal experience with hearing loss, he brings firsthand knowledge of living with hearing loss to our caucus and to the public as a whole.

Thirteen years ago I began working with the deaf and hard-of-hearing community to craft legislation to have all infants screened for hearing loss at birth. At that time, only three hospitals in the country had programs, and only 3 percent of all infants born in the United States were being screened.

Since passage of the Newborn Infant Hearing Screening and Intervention Act of 1999, which gives States seed money through HRSA and CDC to set up their own screening and intervention programs, we are now screening 66 percent of infants born. This is remarkable progress, and yet we have much more to do.

Unfortunately, this year's budget zeros out funding at HRSA for these programs and basically level-funds the programs at CDC. I am working very closely with my fellow caucus co-chairs, the gentleman from Kansas (Mr. RYUN), the gentlewoman from California (Mrs. CAPPS), and the gentlewoman from New York (Mrs. MCCARTHY), to ensure that this critical program receives additional appropriations so that we can screen all children.

The science in this area is clear. By identifying children with hearing loss by age 3 months and beginning intensive intervention by age 6 months, these children can and do develop communication skills on par with their normal hearing counterparts by the time they are ready to enter school. The next step is to ensure that children identified get appropriate interventions through the medical, audiological, educational and community support systems. All of these components are equally important.

Before I close, I want to invite all of my colleagues to a hearing health fair to be held on Wednesday, May 8, 2002, from 11:00 a.m. to 1:00 p.m. in the Rayburn House Office Building foyer. At this event our Federal agency counterparts, as well as several advocacy groups, will have representatives at booths to meet with anyone needing information on hearing health issues. I encourage everyone to attend as this will be a wonderful opportunity to have questions answered on anything from hearing aids to testing and living with hearing loss.

While most of my comments have focused on infants with hearing loss, the issue affects people of all ages. Regardless of whether hearing loss is genetic, disease-based, a function of the aging process or of unknown etiology, most people can be helped to maximize their hearing capabilities and communication skills, and I encourage my colleagues to take the opportunity to get a hearing screening during National Better Hearing and Speech Month.

Mr. Speaker, in closing, I would just like again to thank the gentleman from Florida (Mr. BILIRAKIS) for his leadership. He is one of the newest members of the Health Hearing Caucus. We are delighted that he is and we urge him to continue his important leadership.

Mr. DINGELL. Mr. Speaker, for 75 years, May has been designated Better Hearing and Speech Month. With an estimated 42 million Americans affected by speech, language, and hearing disorders, audiologist and speech language pathologist have made a special effort during this month to inform, educate, and raise awareness about this critical health care issue.

It is estimated that one in six Americans has a hearing, speech, or language problem—a condition that makes it difficult to communicate with others. An impairment of the ability to hear, speak, or understand effectively can affect anyone, of any age, at any time. If left untreated these problems can limit a person at home, school, and work. With proper treatment, however, the isolating effects of communication disorders can be minimized or completely eliminated.

As with most health care conditions, it is critical that communication disorders be diagnosed early. As the most common congenital birth defect, hearing loss can severely affect a child's social, emotional, and academic development. That is why I urge all 50 states to follow the example of my home state of Michigan, and implement routine hearing screens for every newborn before they leave the hospital. Also, hearing loss among Americans age 65 and over affects one out of three people, but without effective screening, many are condemned to suffer in silence. We must seek comprehensive hearing screening for all Americans.

Therefore, I support this resolution recognizing May as Better Hearing and Speech Month and urge the people of the United States to focus on preventing, mitigating, and curing communication disorders.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in support of H. Con. Res. 358 and in celebration of May, National Better Hearing and Speech Month.

Did you know that 28 million people in the United States today suffer from hearing loss, and 16 million people have a speech or language disorder? 42 million people have a speech, language, voice or hearing impediment. Hearing loss is the most common congenital disorder found in newborns, and ten percent of children entering the first grade suffer from mild speech disorders like stuttering.

As a nurse, I know the issue of speech and hearing health affects many different people, from infants to adults to senior citizens. You can be born with a disorder, or you can develop one later in life due to late onset of a specific impediment, a stroke or traumatic event. But many Americans don't realize the extent to which our society deals with speech and hearing disorders. That is why, since 1927, the speech and hearing community has celebrated May as a month to increase national awareness of this health problem.

As a nurse, I understand the importance of getting the right healthcare immediately, especially when it comes to our children. Deafness is the most common birth defect; that out of the 12,000 babies born in the U.S. each year with hearing loss, 4,000 of them are profoundly deaf and need a cochlear implant, and 8,000 need hearing aids. Unless a child gets medical attention by the time they are two, permanent damage is done to his or her language and speech.

A newborn hearing test is simple and easy, and only costs $35. Our babies are subjected to batteries of other tests, and I think it's crucial for this one to be included.

As a founding member of the Congressional Hearing Caucus, I am extremely proud of H. Con. Res. 358. Not only does this resolution support the goals and ideals of National Better Hearing and Speech Month, it calls attention to and commends the 41 states that have implemented routine hearing screenings of every newborn before the baby leaves the hospital.

The resolution also supports the efforts of speech and hearing professionals to improve the speech and hearing development of children and encourages all Americans to have their hearing checked regularly and to avoid environmental noise that can lead to hearing loss.

All across the United States, people are trying to make a difference. I commend everyone in the speech and hearing community for their education and awareness efforts, as well as the extraordinary level of care and medical attention they give to their patients.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I do not have any further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 358.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ESTABLISHING A NATIONAL MINORITY HEALTH AND HEALTH DISPARITIES MONTH

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 388) expressing the sense of the Congress that there should be established a National Minority Health and Health Disparities Month, and for other purposes.

The Clerk read as follows:

H. CON. RES. 388

Whereas in 2000, the Surgeon General of the Public Health Service announced as a goal the elimination by 2010 of health disparities experienced by racial and ethnic minorities in health access and outcome in 6 areas: infant mortality, cancer screening, cardiovascular disease, diabetes, acquired immunodeficiency syndrome and human immunodeficiency virus infection, and immunizations;

Whereas despite notable progress in the overall health of the Nation there are continuing health disparities in the burden of illness and death experienced by African-Americans, Hispanics, Native Americans, Alaska Natives, Asians, and Pacific Islanders, compared to the United States population as a whole;

Whereas minorities are more likely to die from cancer, cardiovascular disease, stroke, chemical dependency, diabetes, infant mortality, violence, and, in recent years, acquired immunodeficiency syndrome;

Whereas there is a national need for scientists in the fields of biomedical, clinical, behavioral, and health services research to focus on how best to eliminate health disparities;

Whereas individuals such as underrepresented minorities and women in the workforce enable society to address its diverse needs; and

Whereas behavioral and social sciences research has increased awareness and understanding of factors associated with health care utilization and access, patient attitudes toward health services, and risk and protective behaviors that affect health and illness, and these factors have the potential to be modified to help close the health disparities gap among ethnic minority populations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) a National Minority Health and Health Disparities Month should be established to promote educational efforts on the health problems currently facing minorities and other health disparity populations;

(2) the Secretary of Health and Human services should, as authorized by the Minority Health and Health Disparities Research and Education Act of 2000, present public service announcements on health promotion and disease prevention among minorities and other health disparity populations in the United States and educate the public and health care professionals about health disparities;

(3) the President should issue a proclamation recognizing the immediate need to reduce health disparities in the United States and encouraging all health organizations and Americans to conduct appropriate programs and activities to promote healthfulness in minority and other health disparity communities;

(4) Federal, State, and local governments should work in concert with the private and nonprofit sector to emphasize the recruitment and retention of qualified individuals from racial, ethnic, and gender groups that are currently underrepresented in health care professions;

(5) the Agency for Healthcare Research and Quality should continue to collect and report data on health care access and utilization on patients by race, ethnicity, socioeconomic status, and where possible, primary language, as authorized by the Minority Health and Health Disparities Research and Education Act of 2000, to monitor the Nation's progress toward the elimination of health care disparities; and

(6) the information gained from research about factors associated with health care utilization and access, patient attitudes toward health services, and risk and protective behaviors that affect health and illness, should be disseminated to all health care professionals so that they may better communicate with all patients, regardless of race or ethnicity, without bias or prejudice.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 388.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H. Con. Res. 388. Thanks to numerous medical advances, Americans are healthier than they have ever been before.

Unfortunately, not all Americans have equally shared in this progress. During the 106th Congress, the Committee on Commerce, Subcommittee on Health and Environment, which I chaired, reviewed the health disparities that persist between minority groups and the non-Hispanic white population. Hepatitis C, heart disease, diabetes, lupus, lung cancer and cervical cancer are but a few of the diseases that disproportionately affect minorities in this country.

Congress took an important step forward in addressing health disparities when it passed the Minority Health and Health Disparities Research and Education Act of 2000 late in the 106th Congress. This important legislation created a new National Center on Minority Health and Health Disparities which coordinates biomedical and behavioral research on these issues at the National Institutes of Health. I was pleased to move this legislation through my subcommittee and support it on the House floor.

Among other things, the resolution we are considering today would call for the establishment of a National Minority Health and Health Disparities Month to focus educational efforts on the health problems disproportionately affecting minorities. It also calls on the Secretary of Health and Human Services to develop public service announcements on health promotion and disease prevention. Finally, H. Con. Res. 388 calls for dissemination of information that would help health care professionals communicate in a culturally sensitive manner with all of their patients.

Raising awareness of existing health disparities is necessary to improving the overall health and well-being of the American people. Mr. Speaker, I urge my colleagues to support H. Con. Res. 388.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 2 minutes.

I rise in support of the Christensen resolution. Our values and success as a Nation are a function of multiple races, multiple ethnicities and multiple cultures. The Nation's health care system, our medical research, our medical education and our medical care, should reflect that fact, but we have major work to do.

Minority populations have higher rates of cancer, higher rates of heart disease, especially higher rates of diabetes, higher rates of HIV/AIDS. Minorities have shorter life expectancies, higher infant mortality rates and a high, much too high, incidence of premature death. Minorities are less likely in this health care system to receive cancer screening and monitoring. Minorities are less likely to receive childhood and adult vaccinations.

Unless we initiate changes explicitly aimed at reducing disparities in health and health care, those disparities will persist. This resolution is a good start. Among other things, it would encourage the establishment of the Minority Health and Health Disparities Month. It asks the Secretary to deliver public service announcements on health promotion and disease prevention among minorities. It encourages governments to work with the private sector to recruit and to retain qualified individuals from racial and ethnic and gender groups underrepresented in health care professions.

Mr. Speaker, I want to thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for sponsoring this resolution. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Oklahoma (Mr. WATTS), one of our Republican leaders who has been so very much involved in this legislation but also the legislation we passed in the last Congress.

Mr. WATTS of Oklahoma. Mr. Speaker, I appreciate the gentleman from Florida (Mr. BILIRAKIS) yielding me the time.

Mr. Speaker, I rise to support and increase the awareness of a very serious problem in our Nation today. Despite so much progress in the field of medicine, there is a significant discrepancy in the health of ethnic minorities compared to the rest of our American population. The silent reality should spur more than indignation. The facts and statistics that make up this crisis must be a wake-up call to all of us, regardless of the color of our skin.

The resolution before the House today aims to raise the level of awareness to the disparity of health care concerning members of minority communities. It calls for a dedicated month of minority health care recognition, urges the Secretary of Health and Human Services to develop public service announcements on health promotion and disease prevention among minorities, requests the President to issue a proclamation on minority health care, and encourages better use of data and statistics in order to help eliminate health disparities.

Hispanics, black Americans, Indians and other members of racial minorities have had higher levels of cancer, cardiovascular disease, stroke, diabetes and infant mortality. This is more than a misfortune. It is a systemic emergency that we must view as a call to action.

Hippocrates recognized the importance of quality health care over 2400 years ago when he said, ''A wise man should consider that health is the greatest of human blessings.'' Let us make sure that all Americans have access to the care they need to sustain a healthy life.

I thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for sponsoring this resolution with me, and I urge my colleagues to support our legislation to increase the level of attention America pays to minority health disparities. With a heightened level of awareness, we can make our country a healthier Nation and better the lives of all her citizens.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) who is the sponsor of this resolution.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me the time.

I am pleased to rise in support of H. Con. Res. 388, expressing the sense of Congress that there should be established a National Minority Health and Disparities Month, and I want to begin by expressing my gratitude to my cosponsors of the resolution, my colleagues, Chairman of the House Republican Conference, the gentleman from Oklahoma (Mr. WATTS), and chairman of the Subcommittee on Workforce Protections of the Committee on Education and the Workforce, the gentleman from Georgia (Mr. NORWOOD) for their willingness to join me in putting this important resolution forward.

I also want to thank the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) for their support in making it possible to bring this resolution to the floor of the House today.

Mr. Speaker, pick any minority community across our great Nation or any of our Nation's rural areas and the reports will be the same. Minorities and people living in those rural areas, of all races and ethnicities, are dying of preventable diseases in alarmingly excessive numbers. Heart disease, hypertension, HIV/AIDS, cancer, diabetes, stroke and kidney disease predominate as the leading causes of death in these groups in far greater numbers than that of white suburban or urban America.

In addition, substance abuse and diminished mental health continue to take a staggering toll on many individuals in this group and undermine the well-being of our communities.

This resolution in establishing a special month of focus on this national

tragedy will hopefully forge a national resolve to close these gaps through increasing the awareness that gross disparities in health care continue to exist for people of color and those in our rural areas, which disrupt families, damage community and threaten our national security.

1645

While this resolution is only a beginning, I am pleased and honored to have had a role in bringing it to the floor today, because the existence and the impact of the centuries of disparities in health is a dark blot on this country's legacy, and it must be erased.

Achieving this important goal will not only take a strong and unwavering commitment, but also a significant investment, which would yield immeasurable dividends in terms of the health of our constituents and our Nation. To do otherwise would result in dire consequences of monumental and far-reaching threats, not only to the financial stability of this Nation, but also to our collective productivity, global competitiveness, and our defense capacity. These are risks we cannot afford and must not take.

While health is influenced by only three factors, genetics, environment and behavior, it is my belief that there has been too much focus on the behavior as individuals and not enough on the behavior of institutions that are supposed to serve us and the system that is supposed to provide us with health care. Just this past spring, following on three other important reports, failure to collect needed health data by race and ethnicity by Summit Health, a health care quality survey by the Commonwealth Fund, and another on language interpretation in health care settings by the National Health Law Program, the Institutes of Medicine, following on those, released a hard-hitting eye-opening report entitled Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care.

Mr. Speaker, I am grateful for the opportunity that H. Con. Res. 388 provides to highlight the disparities in health care experienced by racial and ethnic minorities in our country and in our rural communities. The importance of such a month cannot be overestimated. Again, I want to thank my colleagues for their cosponsorship and support, and I urge everyone to support its passage and hope in doing so it will serve as a catalyst to recommit all of us to the creation of a health care system in this country where there are disparities for none and equity in access for all.

Mr. Speaker, I am pleased to rise in support of H. Con. Res. 388, expressing the sense of Congress that there should be established a national Minority Health and Health Disparities Month.

I want to begin by expressing my gratitude to my cosponsors of the resolution, my colleagues, the Chairman of the House Republican Conference, JC WATTS and the Chairman of the Workforce Protections Subcommittee of the Education and the Workforce Committee, CHARLIE NORWOOD, for their willingness to join me in putting this important resolution forward.

I also want to thank the Chairman and Ranking Member of the Energy and Commerce Committee for their support in making it possible for the resolution to be on the floor of the House today.

Mr. Speaker, pick any minority community across our great country, whether it be California or Virginia, New York or Texas, the U.S. Virgin Islands or Illinois or any of our nation's rural areas and the reports will all be the same: Minorities and people living in our rural areas, of all races and ethnicities, are dying of preventable diseases in alarmingly excessive numbers. Heart disease, hypertension, HIV/AIDS, cancer, diabetes, stroke and kidney disease predominate as the leading causes on the death certificates these groups in far greater numbers than that of white suburban or urban America.

In addition, substance abuse and diminished mental health continue to take a staggering toll on many individuals in this group, and undermine the well-being of our communities.

This resolution in establishing a special month of focus on this national tragedy, will hopefully forge a national resolve to close these gaps through increasing the awareness that gross disparities in health care continue to exist for people of color and those in our rural areas, which disrupt families damage communities and threaten our national security.

While this resolution is only a beginning, I am pleased and honored to have had a role in bringing it to the floor today, because the existence and impact of the centuries of disparities in health is a dark blot on this country's legacy, and must be erased.

Achieving this important goal will not only take strong, and unwavering commitment, but also a significant investment, which would yield immeasurable dividends, in terms of the health of our constituents and of our nation. To do otherwise would result in dire consequences of monumental and far reaching threats not only to the financial stability of this nation, but also to our collective productivity, global competitiveness, and our defense capacity—Risks we cannot afford and must not take.

Let me share some statistics, but let us never forget that each number represents a real person, who is a part of a real and living family and a community that needs him to her to be a part;

Around 40 million Americans have no health insurance of which 50% are minorities.

Rural populations which are disproportionately poor, uninsured and underserved compared to urban populations, and whose residents are often eligible but unenrolled in publicly sponsored programs are also at particular risk.

This lack of coverage alone, results in 83,000 deaths every year.

HIV/AIDS has become primarily a disease and epidemic of communities of color: In 2002 the rate of reported AIDS cases among African Americans was 8 times the rate for whites and 2 times the rate for Hispanics, which was about three times that of whites.

All minorities except Alaska Natives have a prevalence of type 2 diabetes that is 2 to 6 times greater than that of the white population.

Native American elders are 173% more likely to experience diabetes than the general population;

African Americans and other people of color are likely to seek care later and die in greater numbers from cancer.

This is particularly true for African Americans, whose men, for example, are 2 to 3 times as likely to die of prostate cancer as white men.

According to the national Kidney Foundation, African Americans, Asian and Pacific Islanders and Hispanics are three-times more likely to suffer from end-stage renal disease—complete failure of the kidneys to function—than whites.

In my own district, the U.S. Virgin Islands, we have the highest adjusted mortality rate for circulatory disease (namely heart disease and hypertension) in the Americas.

Our nation's poor, who are more likely to be rural or of color are more likely to be living with mental illness, and be untreated.

These are just a few of many areas where disparities are rampant.

Why is this so? One leading health expert at the National Institutes of Health has repeatedly pointed out that health or lack of it is influenced by three factors, behavior, genetics and environment.

While there is much in the news today about the role of genetics in the diseases that we all face, the evidence is that it plays only a small part.

Today, we are learning more about the relationship between health and the environment, which requires more attention as we can directly seek redress of those issues. And while some point to the fact that many of us in communities of color wait too long to seek treatment, eat the wrong foods, don't exercise or that we continue to smoke or engage in high risk behavior, there are other significant factors, which continue to lead to early death in our families which until now have largely been ignored.

It is my belief that there has been too much focus on our behavior as individuals and as a community and not enough focus on the behavior of the institutions that are supposed to help to serve us, and the system that is supposed to provide us with healthcare.

Just this last spring, following on three other important reports, on failure to collect needed health data by race and ethnicity by SHIRE, and a Health Care quality survey by the Commonwealth Fund, and one on the need for language interpretation in health care settings by the National Health Law Program, the Institutes of Medicine at the National Academy of Sciences released a hard hitting, eye opening report entitled; Unequal Treatment: Confronting Racial and Ethnic Disparities in Healthcare.

Mr. Speaker, I ask to submit testimony and summaries of these reports and one from the Kaiser Family foundation, which expand on these issues into my statement, into the record.

In this review of all current research and reports on health care delivery in this country tells an ugly story of health care deferred and denied simply because of race, ethnicity and language.

Mr. Speaker, I am greatful for the opportunity that H. Con. Res. 388 provides to highlight the disparities in health care experienced by racial and ethnic minorities in our country.

The importance of such a month and the need to have one is underscored by the reminder just today at a briefing on the hill from Dr. Brian Smedley of the Institute of Medicine that the issue of disparities is one of life and death, and testimony from Dr. Marsha Lillie Blanton, Vice President for Health Policy of the Henry J. Kaiser Family Foundation at our recent hearing, who stated in a representative survey sample, that most Americans, including people of color did not know that Blacks generally fare worse than whites in terms of infant mortality or that Latinos are less likely than Whites to have health insurance as well as other important facts about health disparities. To further aggravate an already bad condition, some of the same misperceptions are shared by health care providers.

Again I want to thank my colleagues for their cosponsorship and support.

I urge my colleagues to support its passage and hope that in so doing it will serve as the catalyst to recommit all of us to the creation of a health care system where there are disparities for none and equity in access for all.

Mr. Speaker, I submit the summary report I referred to earlier for the RECORD.

ELIMINATING RACIAL/ETHNIC DISPARITIES IN MEDICAL CARE: PROGRESS AND CHALLENGES

MARSHA LILLIE-BLANTON, DRPH, VICE-PRESIDENT, HEALTH POLICY, THE HENRY J. KAISER FAMILY FOUNDATION, FOR HEARING ON THE STATUS AND PROGRESS OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES INITIATIVE TO ELIMINATE RACIAL AND ETHNIC HEALTH DISPARITIES

THE CONGRESSIONAL BLACK CAUCUS, THE CONGRESSIONAL HISPANIC CAUCUS, AND THE CONGRESSIONAL ASIAN PACIFIC AMERICAN CAUCUS

APRIL 12, 2002

Good morning. First, I'd like to thank the members of the Congressional Black Caucus (CBC), the Congressional Hispanic Caucus (CHC), and the Congressional Asian Pacific American Caucus (CAPAC) for holding today's hearing on the status and progress of the Department of Health and Human Services' initiative to eliminate racial and ethnic health disparities. I am Marsha Lillie-Blanton, a vice-president of the Henry J. Kaiser Family Foundation and director of the Foundation's work on access to care for vulnerable populations.

The recently released IOM report, Unequal Treatment, has helped to refocus the nation's attention on racial and ethnic disparities in medical care. The problem is by no means new, but seldom gets priority attention in public policy discussions around the health care system. Few would disagree that for most of this nation's history, race has been a major factor in determining if and where medical care was obtained; however, its influence today has become more subtle. Public policy efforts, most notably the enactment of Medicaid and Medicare and enforcement of the 1964 Civil Rights Act, have made an enormous difference in reducing the health care divides for some of this nation's most vulnerable populations. So much progress has been achieved that many tend to think that the problems that remain are inconsequential.

The IOW report provides compelling evidence to the contrary. After an extensive review of the research, IOM concluded that there is a ''preponderance'' of evidence that racial and ethnic disparities in medical care persist for a number of health conditions and services, some of which may contribute to the poorer health outcomes of people of color. The findings are consistent with those of a comprehensive review of the literature by Robert Mayberry and colleagues from the Morehouse School of Medicine, undertaken about a year ago with funding support from the Foundation.

While there are some who will question whether the racial/ethnic differences in the studies cited by IOM are real or a function of factors not well-measured, the IOM report should help to shift the research focus from documenting disparities to investigating their underlying causes and the impact of interventions. Investigating the underlying causes will be a challenge in large part because the influence of race on the health care system is deeply intertwined with other forces—especially economic and educational opportunities—that shape life in America. Disentangling this web of interrelated factors should be helpful in developing more targeted interventions, but pursuing that research agenda need not delay efforts to address those factors now known to create a barrier in obtaining greater equity in access to quality medical care.

As noted in the IOM report, many factors likely contribute to racial/ethnic disparities in medical care, including patient, provider, and health system related factors. Differences in the extent of health insurance coverage (see Figure 1) are perhaps the most widely recognized of factors, other than health needs, that account for variations in the medical care obtained. The uninsured are less likely than those who are insured to get appropriate care. However, evidence of racial/ethnic differences among individuals who are similarly insured is particularly disturbing since health coverage is considered the ''great equalizer'' in the health system. In a recent study by Johns Hopkins University researchers Daumit and Powe, the racial disparity in cardiac procedures among men and women was sharply reduced when patients with chronic renal disease qualified for Medicare. However, this study also found that even after enrolling in Medicare, black men with chronic renal disease were less likely to undergo invasive cardiac procedures than white men who were of similar age, clinical characteristics, and other sociodemographic factors (see Figure 2). This study provides strong evidence that race—independent of other factors—is associated with the medical care obtained.

Why such a challenging problem to address

Efforts to address racial inequalities throughout varying sectors of society are challenging for many different reasons, including the troubling history of race relations in America. However, misperceptions about the nature and extent of the problem in the health care system adds a new level of complexity to efforts to eliminate health and health care disparities. The battle we are waging is with perceptions, as well as the reality of life in America. Two issues, in particular deserve note.

First, the public has a marginal, at best, awareness of racial/ethnic disparities in our health system. In a 1999 national survey of a representative sample of about 4,000 adults, we learned that most Americans, including people of color, didn't know that blacks generally fare worse than whites in terms of infant mortality, or that Latinos are less likely than whites to have health insurance—two indicators that have received considerable attention in the media. The survey also found that a significant majority of whites perceive that African Americans and Latinos get the same quality of care as they do; however, the majority of African Americans and Latinos perceive that they get lower quality care than whites (see Figure 3). These findings make it clear that the public's knowledge about disparities should not be assumed and the challenge we face is one of public perceptions as well as reality. Not surprisingly, some of the misperceptions of the public are also found among providers of care.

Second, there is a common perception that disparities in medical care are largely a result of patient characteristics (their financial resources, education, help-seeking behavior, preferences for care). This perception persists despite an abundance of studies that control for patient level characteristics (e.g., as measured by income, education, severity of health condition). There are fewer studies that have assessed patient preferences for care, but some offer insight on this issue. In a study of the quality of medical care provided for congestive heart failure and pneumonia—two common health problems in which the care is fairly low-tech and thus assumed to be influenced less by patient choice—Harvard University researchers, Ayanian and colleagues, found that elderly black patients with Medicare received lower quality care than whites based on defined clinical criteria. Similar findings were observed for women relative to men. The analysis adjusted for age, income, and hospital teaching status and used the Rand appropriateness criteria to assess health need.

Perceptions of a problem often influence the actions taken (or not taken) to change policy and practices. If the public is unaware that a problem exists or misunderstands the nature of the problem, it will be difficult to mount effective efforts to address that problem. Societal change requires a public understanding and willingness as well as the resources to address the problem.

Strengthening the Federal response

In 1999, the U.S. Department of Health and Human Services (DHHS), under the leadership of former Surgeon General, Dr. David Satcher, took a bold step in announcing a national initiative to eliminate health disparities in six health areas by 2010. The Congress provided important leadership to this effort by legislatively mandating the IOM study of health care disparities, creating in statute a Center on Minority Health and Health Disparities at the National Institutes on Health (NIH), and requiring DHHS in 2003 to annually produce a report on the nation's progress in reducing health care disparities as a companion to the National Healthcare Quality Report.

From the leadership of the former Surgeon General and the Congress have come a number of DHHS agency-wide related efforts, including the establishment of Healthy People 2010 goals that are the same for everyone, regardless of race/ethnic identity. Also, DHHS agencies have developed strategic plans for their efforts to eliminate disparities and have funded new initiatives—both research and interventions—to address disparities. Most relevant to eliminating health care disparities are the nine centers of excellence grants of the Agency of Healthcare Research and Quality (AHRQ), which are financed through funds of AHRQ and NIH. These initiative also have served as the catalyst for a number of foundation and other private sector efforts to reduce disparities.

These efforts are an incredibly important start. Government, however, can and should do more. The interventions recommended by the IOM report are critical next steps. Moreover, the DHHS initiative now appears to lack visible senior leadership to direct and garner support for the efforts underway in the various agencies. Such leadership is essential for such a controversial initiative. To strengthen the federal response the initiative also will require, at the very least:

First, a strategic linking of the work to existing Department efforts around improving the quality of medical care and patient safety.

Initiatives on quality and patient safety have new dollars and the attention of clinicians and policymakers. It would be a missed opportunity if the medical care needs and concerns of people of color are not well integrated into the plans for research and new interventions in these areas. Also, efforts regarding disparities appear to be competing for scare new resources. The view that focused efforts need new resources rather than an integration and allocation of some of the existing resources will hamper the short-term progress that can be achieved. This shift in direction will be no small feat to accomplish since DHHS staff and funded projects focused on quality issues and those focused on racial disparities generally are moving on separate tracks without much collaboration.

Second, an improvement of the information systems and the data used to answer questions about the health and medical care use of people of color.

DHHS has an important role to play in data collection and analysis. One reason we know so little about the health of Latinos, Asians, and Native Americans is that we simply have not collected the data. Even most national surveys that now over-sample African Americans and Latinos to produce reliable estimates are unable to provide estimates for Asian ethnic subgroups or Native Americans. Further complicating an assessment of disparities is that many health plans serving privately and publicly insured enrollees (whether in fee-for-service or managed care arrangements) do not collect data on the race and ethnicity of their patients. DHHS must encourage the collection of data in the private sector and collect and analyze the data on those who are publicly insured.

Third, a continuation of the Department's efforts to improve the public's awareness that the nation continues to be challenged in assuring that every American has timely access to high-quality medical care.

DHHS, through its partnerships and conferences, has already been engaged in efforts to promote dialogue and understanding about disparities. These efforts are extremely important. The Foundation, working in partnership with the medical community, is about to launch an initiative to raise physician awareness about racial disparities in medical care and encourage physicians to review the evidence and engage in a national dialogue about the issue. This is, at best, the beginning of national dialogue among one segment of the public—physicians. DHHS, working through respected and trusted leadership, should continue to improve awareness of disparities among the public generally. Whites need to be more aware of the real-life circumstances that face people of color. People of color need to be more aware of disparities so they can be more proactive in seeking needed care. This knowledge should result in greater acceptance of initiatives to remedy disparities.

In closing, let me say that race clearly matters in our health system, but so do many other factors—especially insurance coverage. Attention should be given to assuring that existing sources of coverage are not undermined. Medicaid, for example, is an essential source of coverage for about 1 in 5 non-elderly African Americans, Latinos, and Native Americans. In addition, people of color are disproportionately uninsured, and priority attention should be given to efforts to eliminate the insurance gap. It is also important to remember, however, that racial disparities among persons who are insured are an indication that expansions in coverage, though necessary, are not sufficient. The IOM report provides a blueprint for comprehensive reform to close the racial/ethnic divide in the health system.

Thank you for the opportunity to testify. I welcome any questions.

Mr. BILIRAKIS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), Chair of the Congressional Black Caucus, who also is a nurse.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me express my appreciation for those who have helped to work on this resolution, because it is one that hopefully will start the ball rolling in getting some corrective action taken.

I stand before my colleagues today as a former health care professional to share really disturbing news. Sadly, in the year 2002, decades after the end of legal segregation, inequality based on race and ethnicity exists within our health care system. African Americans are 30 percent more likely to die of heart disease and cancer than Anglo Americans. Hispanics are more likely to be diagnosed with a chronic disease or a condition such as a heart attack, diabetes, or cancer than Anglo Americans. Infant mortality rates are more than twice as high for African Americans than Anglo Americans. In 2000, 47 percent of all HIV/AIDS cases reported in the U.S. were among African Americans and 21 percent among Hispanics.

Unfortunately, the bad news gets worse. Despite this glaring data revealing the health disparities between minorities and white Americans, the National Academy of Sciences tells us that minorities lag behind white Americans on nearly every measure of health care and treatment and are dying at higher rates. Minorities are less likely to be given appropriate cardiac medication or to undergo bypass surgery to treat a cardiovascular disease. Minorities are less likely to be placed on a waiting list for kidney transplants or to receive kidney dialysis or transplants.

My father was one of those. Minorities with HIV infection are less likely to receive antiretroviral therapy and other state-of-the-art treatments which could forestall the onset of AIDS. And minorities are less likely to receive appropriate cancer diagnostic tests and treatment.

There is really more bad news. Significantly, these disparities in treatment exist even when insurance status, income, age, and severity of conditions in minorities and whites are the same.

The good news is that we can address this problem by educating the public and the medical community about these disparities and take action to reduce them. House Concurrent Resolution 388 is a step in the right direction.

I agree with the gentleman, the chairman of the committee, it should not be a campaign issue. It is a serious issue that must be addressed. It would establish a National Minority Health and Health Disparities Month and calls for the government, private and nonprofit sectors, and the medical community to promote educational efforts, perform research, and conduct health care programs so that we may end health care disparities.

I urge my colleagues to support this resolution and work toward the elimination of racial and ethnic disparities in health care so that we can have some good news to share in the future.

Mr. BILIRAKIS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to congratulate the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her continuing work as chair of the CBC Brain Trust and for bringing her practice of medicine, which she had to leave in order to become a Member of the House, right into this House in the way in which she fastens our attention on health care, and particularly for improved health care for minorities.

But I have to say, Mr. Speaker, when they give you a whole month, it is because of what you do not have. And what minorities in this country do not have is health. And that is like saying what you do not have is the difference between life and death.

The racial and ethnic disparities are quite intolerable. About 10 percent of whites in this country do not have health care; three times as many Hispanics; twice as many blacks. The fact is minorities have to do for themselves, because we know that a lot of health care is related to life-style. And I am a strong proponent, for example, of harnessing overweight and obesity. I am a race walker. You have to do what you can do to deal with your health care. But obesity and overweight is a national problem, and yet there are some folks who have some health care to get them some advice as to what to do about it.

The current recession and the consequences of September 11 and anthrax have simply exacerbated the health care crisis in our country. And we are not close to closing this intolerable gap with placebos like tax credits. Let me tell my colleagues something: Low-income people do not pay a lot of taxes because they do not have a lot of money. So tax credits, for example, is like throwing crumbs at people who are very hungry.

But let me tell my colleagues something else. The American middle class has a very sensitive barometer to health care. In the early 1990s, there were Members who lost their seats in this House and in the Senate over the single issue of health care. And the reason is that health care is always a

sleeper issue. And when we have the volatile mix of a recession and people losing their health care, watch out, Congress of the United States.

But we deserve to be called to account. The permanently uninsured are unable to raise the issue because they are the least powerful people in the society. It is only when there is a recession, when people who have a little bit of clout, the middle class, who lose their health care, that health care then rises to the top of the agenda. It is close to being there now.

In the 1990s, we were kind of creeping up on universal health care, going toward universal health care for children. And of course, there is universal health care for the very poor. But what about the working poor? What about the disincentive to go to work when you lose your health care? What about saying to welfare mothers you better go to work, and yet in the long run, lose your health care?

Poor health care in the United States has a disproportionately black and brown face, and yet in countries where there are nothing but black and brown faces, in many Third World countries, there is universal health care. Hey, what happened to the United States of America?

Some minimum of health care is what everybody deserves simply for being human. It is time we met that minimum standard in our own great country.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume to advise the gentlewoman that in our Committee on Energy and Commerce, as the gentleman from Ohio (Mr. BROWN) knows, just last week we marked up a piece of welfare legislation which afforded transitional Medicaid assistance for those people, with a recognition that of course the words of the gentlewoman are so very true. And so, hopefully, we are helping towards that.

Mr. Speaker, I continue to reserve the balance of my time, but also make available to the gentleman from Ohio (Mr. BROWN) any additional time he may need for his speakers.

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend for the generous offer. We have a couple more speakers. We may not need that time.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding me this time, and I also want to commend the gentlewoman from the Virgin Islands for her outstanding work on this issue and commend all of these who have been instrumental in bringing this matter to the floor.

I rise in enthusiastic support of H. Con. Res. 388, which expresses the sense of Congress that there should be established a National Minority Health and Health Disparities Month. Dr. W.E.B. Dubois suggested that the problem of the 20th Century would be that of the color line. Dr. Dubois was profound and prophetic in his analysis, but we still have not solved the problem of the color line in the 21st century and it is vivid in our health care delivery system.

The persistent problem of health disparities continues to be the reality; that there is serious separation in this Nation. I stand here today to suggest that as long as health disparities persist, we will remain a Nation divided; divided along the lines of those who have and those who have not.

According to the report that we have been discussing, issued by the Institute of Medicine last month, racial and ethnic minorities experience a lower quality of health services and are less likely to receive even routine medical procedures than whites. The report goes on to suggest that when it comes to diagnostic exams for heart disease, cancer, end-stage renal disease, and kidney transplantation, African Americans and other minority groups receive less care than whites.

This report suggests that African Americans and other racial minorities die early and often because of a lack of quality care. The report, which is extensive, entitled ''Unequal Treatment,'' really underscores the need to establish a National Minority Health and Disparities Month, a month that is set aside so that we can refocus, take a hard look, better understand, better realize the disparities, and then find the resources that are necessary to move us from the position of inequities to equality, to equal treatment, equal understanding, and equal recognition.

So again, I commend all of those who have been instrumental. I commend the chairman, the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Ohio (Mr. BROWN), and certainly the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for all of their serious leadership on these matters.

Mr. BILIRAKIS. Mr. Speaker, I continue to reserve the balance of my time, but make available to the gentleman from Ohio (Mr. BROWN) any time he may need.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

□ 1700

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member, the gentleman from Ohio (Mr. BROWN), for his constant and persistent leadership as it relates to health issues in general. I thank the gentleman from Florida (Mr. BILIRAKIS) for his leadership, and I acknowledge the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the gentleman from Oklahoma (Mr. WATTS), and the gentleman from Georgia (Mr. NORWOOD) for bringing this resolution to our attention.

Clearly this is a resolution that will speak loudly in its passage to the American people. In my district, I am often spoken to by constituents of their caring and concern about those individuals far and wide that we have to address, such as the catastrophe in Afghanistan, the crisis in Africa with HIV–AIDS; and at the same time, they are clearly concerned with the home front.

This legislation deals with the importance of dealing with the questions of minority health. With some 50 percent of the minority community without insurance, with the impact on rural areas, with African Americans and Hispanics being impacted in large numbers by HIV–AIDS, and in particular with a study that was just recently issued that suggested that even when minorities access health care, the difficulty is that there is unequal treatment. There are determinations made as to whether or not the individual that accessed the health care should be treated long term for diabetes, should be given the opportunity for triple or quadruple bypass and surgery. We have a crisis.

What we want to do with this resolution is focus on changing the attitude. At the same time, let me acknowledge that I hope this legislation will encourage the Bush administration to not repeal the requirement of low-income children being tested for lead poisoning. That would put thousands of our children in minority communities at risk. My district happens to be a very multicultural district. It has people from all walks of life; but one of the most crowded places in my district is the Harris County Public Hospital system. It is because people desire health care, and do not have the ability to access private health coverage, so they are at our public hospital systems. Those institutions need assistance from the Federal Government to assist them in lead poisoning testing for our children. They need assistance in making sure that Medicaid payments are being paid, and making sure that if someone needs quadruple heart surgery, that they can be referred out to our very fine institutions in the medical center. The partnership is extremely important.

So this resolution is of utmost importance. I thank the members of the Committee on Energy and Commerce, the Congressional Black Caucus and the Hispanic Caucus Health Task Force, which the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and Congressman RODRIGUEZ lead, and I am a member of, and for the leadership behind educating both Congress and the American public.

Finally, racial and ethnic minorities tend to receive lower-quality health care than whites do, even when insurance status income, age, and severity of conditions are comparable according to the National Academies Institute of Health. Thousands of people suffer in America that is why we must pass this legislation to create a responsive and equal health system in America.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. BILIRAKIS. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, this afternoon I rise in support of H. Con. Res. 388, a resolution to designate April as National Minority Health and Health Disparities Month.

In 2000, the Department of Health and Human Services and the U.S. Surgeon General established National Minority Health Month to promote national health and disease prevention. The goal was to build a public-private partnership, foster cultural competency among health care providers, encourage health education and training, and expand the use of state-of-the-art technology.

It is intended to be an inclusive initiative that addresses the health needs of African Americans, Hispanics, Asians, Native Americans, Pacific Islanders, Alaskan Natives and Native Hawaiians. Because the month will be nationally recognized, it will serve to raise awareness and reduce the problem of minority health disparity.

Mr. Speaker, a few weeks ago, the Congressional Black Caucus held its annual Health Braintrust. This year's focus was on minority health disparities. Testifying at the hearing from my district were Dr. Martha N. Hill, Dean of the Johns Hopkins School of Nursing; Professor Thomas E. Perez, who was the immediate past director of the Office on Civil Rights at HHS; and Dr. Thomas LaVeist, Johns Hopkins University, and an active health care researcher, including the role of race in health care services.

Also testifying were the authors of the Institute of Medicine's report, ''Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care.'' The primary finding of this report publication, ''Unequal Treatment,'' states that due to disparities in health care treatment, blacks and other minorities do not live as long as Caucasians.

Why is that? Because according to the Institute of Medicine's publication of ''Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care,'' even those of us who are fortunate enough to have health insurance receive inferior medical care compared to our caucasian counterparts, even when insurance coverages are the same.

I would like to cite some of the specific facts for the record, and I think my colleagues might find them very, very disturbing.

African Americans were 1.5 times more likely to be denied managed care authorization in an urban emergency room. For senior citizens, African American patients were four times less likely than Caucasians to receive needed coronary bypass surgery. Black male seniors were nearly two times less likely to receive treatment for prostate cancer. And this is incredible, but black seniors were 3.6 times more likely to have lower limbs amputated due to diabetes. Think about it. Due to poor health care, African Americans and other minorities do not live as long as Caucasians. Blacks are 24 percent less likely to receive life-preserving medications for HIV and AIDS; 20 percent of blacks and 33 percent of Hispanics lack health insurance. This is two and three times greater than the rate for Caucasians. These disparities permeate in minority communities.

For example, as a Social Security issue, blacks collect fewer retirement benefits because we die earlier. I guess on the upside, while we comprise about 12 percent of the United States population, we collect about 23 percent of the Social Security disability benefits. Think about it. This is not a Social Security issue; it is a health issue.

Mr. Speaker, if there were equity in health care, African Americans would be able to work longer and live longer. Think about it. The economic impact of poor health care created for all Americans is crucial.

Mr. Speaker, I urge all Members to vote in favor of this. I thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), and I thank the other side for their courtesy and kindness.

Mr. DINGELL. Mr. Speaker, I rise to voice my strong support for H. Con. Res. 388, establishing a National Minority Health and Health Disparities Month. This resolution has been crafted by my good friend and colleague, Representative CHRISTENSEN. The resolution was reported unanimously by the Committee on Energy and Commerce last week.

Mr. Speaker, this resolution will help to keep our attention focused on a disturbing fact of life. That fact is that people of color face devastating disparities in research, quality, access, and other measures of health care. Women are particularly hard hit, as reflected in the statistics. The prestigious Institute of Medicine recently published yet another study that shows we still have a long way to go before we can say that all Americans share equally in the benefits of modern medicine.

Mr. Speaker, I am pleased that this resolution specifically mentions the Minority Health and Health Disparities Research and Education Act of 2000. I was proud to join my colleagues, including Representatives JOHN LEWIS and JESSE JACKSON, JR., in that effort. That bill recognized that disparities exist throughout the development and delivery of health care. It was a good step, but clearly much more needs to be done. The entire health care system, from ''bench to bedside,'' needs to be vigilant and to address disparities wherever and however they occur.

I applaud Representative CHRISTENSEN for bringing this resolution to the floor. I urge my colleagues to support her work and to support substantive efforts to eradicate health disparities in all programs that come before this body.

Ms. WATERS. Mr. Speaker, I rise to support H. Con. Res. 388, which would support the establishment of a National Minority Health and Health Disparities Month. The United States is a nation with a health system marked by its disparities. Too often, low-income Americans, racial minorities and individuals who lack health insurance find that quality health care is unavailable to them. At the request of Congress, the Institute of Medicine released a report this year confirming the existence of serious racial disparities in American health care.

Racial disparities in access to cancer screening contribute to higher cancer death rates for minorities. Black and Hispanic women are less likely to receive breast cancer screening with mammograms than white women, and black and Hispanic men are more likely to be diagnosed with more advanced forms of prostate cancer than white men. Last year, I introduced H.R. 3336, The Cancer Testing, Education, Screening and Treatment (Cancer TEST) Act, to provide cancer screening and treatment services for minorities and low-income populations. This bill now has 49 cosponsors.

Racial minorities have been disproportionately impacted by the HIV–AIDS epidemic. They now represent a majority of new AIDS cases and a majority of Americans living with AIDS. I am circulating a letter to the Chairman and Ranking Member of the House Subcommittee on Labor, Health and Human Services and Education Appropriations to request an appropriation of $540 million for the Minority AIDS Initiative in fiscal year 2003. Ninety Members of Congress have agreed to sign my letter.

Unfortunately, the problems in our nation's health system are only getting worse. A survey of California employers by the Kaiser Family Foundation shows that health insurance premiums increased by 9.9 percent in 2001. That is more than double California's 4.3 percent inflation rate. Furthermore, Calpers, the State of California's employee benefits system, plans to raise rates for its HMO premiums by 25 percent next year.

I urge my colleagues to vote in favor of H. Con. Res. 388 and support legislation that will guarantee every man, woman and child in America quality health care services, regardless of race, level of income or place or employment. Quality health care should be for everyone.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 388.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HEMATOLOGICAL CANCER RESEARCH INVESTMENT AND EDUCATION ACT OF 2001

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1094) to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer.

The Clerk read as follows:

S. 1094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hematological Cancer Research Investment and Education Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that:

(1) An estimated 109,500 people in the United States will be diagnosed with leukemia, lymphoma, and multiple myeloma in 2001.

(2) New cases of the blood cancers described in paragraph (1) account for 8.6 percent of new cancer cases.

(3) Those devastating blood cancers will cause the deaths of an estimated 60,300 persons in the United States in 2001. Every 9 minutes, a person in the United States dies from leukemia, lymphoma, or multiple myeloma.

(4) While less than 5 percent of Federal funds for cancer research are spent on those blood cancers, those blood cancers cause 11 percent of all cancer deaths in the United States.

(5) Increased Federal support of research into leukemia, lymphoma, and multiple myeloma has resulted and will continue to result in significant advances in the treatment, and ultimately the cure, of those blood cancers as well as other cancers.

SEC. 3. RESEARCH, INFORMATION, AND EDUCATION WITH RESPECT TO BLOOD CANCER.

Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by inserting after section 419C the following:

''SEC. 417D. RESEARCH, INFORMATION, AND EDUCATION WITH RESPECT TO BLOOD CANCER.

''(a) JOE MOAKLEY RESEARCH EXCELLENCE PROGRAM.—

''(1) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate programs for the conduct and support of research with respect to blood cancer, and particularly with respect to leukemia, lymphoma, and multiple myeloma.

''(2) ADMINISTRATION.—The Director of NIH shall carry out this subsection through the Director of the National Cancer Institute and in collaboration with any other agencies that the Director determines to be appropriate.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each subsequent fiscal year. Such authorizations of appropriations are in addition to other authorizations of appropriations that are available for such purpose.

''(b) GERALDINE FERRARO CANCER EDUCATION PROGRAM.—

''(1) IN GENERAL.—The Secretary shall direct the appropriate agency within the Department of Health and Human Services, in collaboration with the Director of NIH, to establish and carry out a program to provide information and education for patients and the general public with respect to blood cancer, and particularly with respect to the treatment of leukemia, lymphoma, and multiple myeloma.

''(2) ADMINISTRATION.—The Agency determined by the Secretary under paragraph (1) shall carry out this subsection in collaboration with private health organizations that have national education and patient assistance programs on blood-related cancers.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each subsequent fiscal year. Such authorizations of appropriations are in addition to other authorizations of appropriations that are available for such purpose.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1094, and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to encourage my colleagues to support S. 1094, the Hematological Cancer Research Investment and Education Act, introduced by Senator KAY BAILEY HUTCHINSON in the Senate, with a companion legislation in the House, H.R. 2629, introduced by the gentleman from Illinois (Mr. CRANE). Senator KAY BAILEY HUTCHINSON is present with us today, which is an indication of how significant the gentlewoman considers this legislation.

Blood cancers affect over 110,000 Americans. These devastating diseases are in desperate need of a cure. I am pleased to support the efforts of the National Institutes of Health to increase the research activities on these diverse cancers. Taxpayer dollars are wisely spent on research to help cure, and even better, prevent disease. For the past 5 years, Congress has committed to doubling the budget of the NIH. Last year alone, Congress dedicated over $23.3 billion to NIH. As we double the budget of any agency, we must ensure that these funds are appropriately focused at finding cures to our Nation's health problems.

The Hematological Cancer Research Investment and Education Act ensures that the Federal Government focuses appropriate resources on programs to address blood cancers, particularly leukemia, lymphoma and multiple myeloma. In particular, the bill directs the NIH to coordinate all blood cancer programs under the newly named ''Joe Moakley Research Excellence Program.'' The bill establishes the ''Geraldine Ferraro Cancer Education Program,'' to provide detection and treatment options for blood cancers, and I might add that the former Congresswoman Geraldine Ferraro is with us here today.

I thank both Senator KAY BAILEY HUTCHINSON and the gentleman from Illinois (Mr. CRANE) for their tireless efforts to raise public awareness about blood cancers. And I also recognize the health staff of the gentleman from Illinois (Mr. CRANE), Shalla Ross, who has worked diligently to ensure passage of this important legislation. I urge my colleagues to support S. 1094.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of this legislation which sets the stage for a coordinated Federal research effort to combat blood cancers and launches a patient and public education campaign to get the word out on these cancers.

The death of our colleague, the esteemed Joe Moakley, raised the profile in this institution of leukemia and other blood cancers for all of us. More than 100,000 Americans will be diagnosed with blood cancers this year, and more than 60,000 will lose their lives to one of these cancers.

Former Congresswoman Geraldine Ferraro, who has joined us today, was diagnosed with multiple myeloma a few years ago. Since her announcement, she has turned a very private battle with cancer into a public campaign, educating Americans and policy makers, making a difference in their lives, educating us all about the disease and the need for enhanced research on cancer.

The bill we are considering today includes two important initiatives in honor of these two remarkable American leaders. It establishes the Joe Moakley Research Excellence Program to expand and intensify NIH research on blood cancers; and the Geraldine Ferraro Cancer Education Program, which will establish education programs designed for patients and for their families. It is an excellent bill. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

□ 1715

Mr. BARTON of Texas. Mr. Speaker, I rise today in strong support of the Senate bill, S. 1094, presented in the Senate by my good friend, the Senator from Texas, Senator KAY BAILEY HUTCHINSON, who is on the floor with us today. Without her untiring work, we would not be here passing this bill on Blood Cancer Day. She has worked, I think, in a very positive, cooperative way. It is very rare for the Longhorns and the Aggies to work together, but on this bill the head Longhorn came to one of the head Aggies and we have made it happen.

There are a number of other people we need to thank: Obviously, the gentleman from Florida (Mr. BILIRAKIS) for allowing the bill to come on the suspension calendar; the full committee chairman, the gentleman from Louisiana (Mr. TAUZIN); the ranking member, the gentleman from Michigan (Mr. DINGELL); the gentleman from Ohio (Mr. BROWN); and the majority leader, the gentleman from Texas (Mr. ARMEY) has worked on this.

We have a number of distinguished visitors watching the proceedings today, I am told, including Senator HUTCHINSON's brother, Alan Bailey, who has a form of blood cancer. We also have the distinguished former Congresswoman and Vice Presidential candidate, Geraldine Ferraro, who has fought a courageous battle against blood cancer. Kathy Guisti is the President of the National Myeloma Association. And, as we pointed out, this is named in honor of former Congressman, Joe Moakley, and former Congresswoman Geraldine Ferraro, who is with us today.

Various forms of blood cancer afflict over 100,000 Americans every year. 60,000 Americans die of the disease. It is a disease that can strike with sudden swiftness and extreme ferocity. Some of the more common forms we know of are leukemia, lymphoma and multiple myeloma. If you have this disease in your family, it is a heartache to have to try to face up to it. My brother, the late John Barton, died of liver cancer, so I know from a personal perspective how tragic any kind of cancer is.

But with the passage of this bill that Senator HUTCHINSON has worked so hard for, we are going to begin to fight back. This would create an educational program, a research program, the Joe Moakley Research Excellence Program, and the Geraldine Ferraro Cancer Education Act. We can educate Americans all around the country. We can encourage the National Institutes of Health to provide more funding for research and education and outreach, and hopefully some day find a cure and find treatments for those that are already afflicted with the disease.

So I want to thank my good friend from Dallas, Texas, Senator HUTCHINSON, for moving the bill, I want to thank my good friend the gentleman from Florida (Mr. BILIRAKIS), for putting it on the suspension calendar, and I would encourage all Members to vote for it in the affirmative when we are given that opportunity.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WHITFIELD). The Chair will remind all Members that it is not in order to refer to a Senator visiting the House Chamber.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Massachusetts (Mr. MCGOVERN), who was a long-term colleague, friend and employee of Mr. Moakley.

Mr. MCGOVERN. Mr. Speaker, I want to first thank the gentleman from Florida (Chairman BILIRAKIS) and ranking member, the gentleman from Ohio (Mr. BROWN), for bringing this bill to the floor today. I want to thank our distinguished colleague from the other body, the junior Senator from Texas, for moving this bill forward. We are honored by her presence on the House floor today.

This bill, quite simply, directs the NIH to direct more funds to research, information and education on blood cancer diseases. As my colleagues here on the floor know so well, while less than 5 percent of Federal funds for cancer research are spent on blood cancers, they cause 11 percent of all deaths. One of those deaths was our colleague, Joe Moakley.

As many in this Chamber know, I worked for Joe Moakley for many years, from 1982 to 1996. He served not only as my teacher and mentor, but he was also my dear friend, in fact, my best friend.

Joe was a guy who, in many respects, represented the miracles of medical research and science. During years I knew him, he survived kidney cancer, a gangrenous gall bladder, prostate cancer, skin cancer, and hepatitis, that ultimately led to a successful liver transplant. Through it all, Joe Moakley emerged with flying colors, stronger and better than ever. However, when he was diagnosed with leukemia, it was a disease that he just could not beat.

There is not a day that goes by, Mr. Speaker, that I do not miss Joe Moakley, and I wish he were still here with us fighting the good fight, standing up for the causes that he believed in, and even entertaining us with his humor. I wish there had been a cure for the leukemia that took his life, and I believe that some day there will be a cure. The issue is not can there be a cure, rather, the issue is when, and that will depend on the money and resources that we invest in medical research.

One section of this bill will establish the Joe Moakley Research Excellence Program at NIH to expand, intensify and coordinate programs that support research on blood cancers, particularly leukemia, lymphoma and multiple myeloma. This, Mr. Speaker, is a honorable legacy, but, as Joe Moakley would say, the name means nothing if we do not put the money down, and I hope that we will do that.

I also want to say I am honored that former Congresswoman Geraldine Ferraro is with us today. I was a staff person when she was a Member of this House, and, being from Massachusetts, I remember what Tip O'Neill once said about her when she was nominated to be the Vice Presidential candidate for the Democrats, he said she will be not only a great vice president, but some day she will be a great president. I think he was right in that assessment. I admire her courage for coming forward with her own health challenges. She indeed is the inspiration for another section of this bill which would result in disseminating information on blood cancer diseases throughout this country.

Mr. Speaker, I urge my colleagues to pass this bill, and I hope the funds are there to carry out this important authorization.

Mr. BILIRAKIS. Mr. Speaker, I continue to reserve my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it was just a couple of months ago when a few current Members of Congress had the honor and pleasure of gathering to listen to the Honorable Geraldine Ferraro. It was a joyous occasion, and it was a delight to be able to fellowship with our colleague, someone that many of us admired, some who had the opportunity to serve with her, and some, like myself, who did not. But certainly her history and her leadership are well-known to women around the Nation.

Her remarks were instructive and inspiring. But, as she concluded, she made an announcement that caused a pause, and many of us stopped midway in our thoughts and our speech and caught our breath. But she did not allow us to linger on our thoughts about what we perceived to be a catastrophic illness which she had announced that she had. She began energizing us and speaking about living, and how we could support their legislation before us to help some lives.

So today I come to the floor of the House in tribute to Congresswoman Geraldine Ferraro, and as well, to acknowledge my support for S. 1094, focusing on the blood cancer diseases that have taken the lives of so many, and, yes, to likewise thank the Committee on Energy and Commerce and its leadership, the chairman and ranking member of the full committee and chairman and ranking member of this subcommittee, and to acknowledge my colleague-friend from the other body, the junior Senator from Texas, thanking both of them as women to acknowledge that we can fight these diseases.

We can fight the fact that an estimated 109,500 people in the United States will be diagnosed with leukemia, lymphoma and multiple myeloma in 2002. We can fight the fact that these devastating blood cancers will cause the deaths of an estimated 60,000 persons. We can fight the fact that while less than 5 percent of Federal funds for cancer research are spent on these blood cancers, these blood cancers cause 11 percent of all cancer deaths.

That is why I am proud to support legislation that creates the Congressman Joe Moakley Research Excellence Program, our friend and colleague, who was such a fighter. It will now instruct the director of NIH to expand, intensify and coordinate programs for the conduct and support of research in this area. Then, as well, to be able to affirm the Geraldine Ferraro Cancer Education Program, that will direct the secretary to direct the appropriate agency within the Department of Health, in collaboration with the director of NIH, to provide education and information and encouragement to those who would understand better.

The aspects of this bill are powerful, research and education, and I cannot

thank enough those who saw fit to carry this legislation in an expedited manner. Just sharing with both proponents on the floor of the House it was brought to my attention that those of us in the minority community may even be impacted in a more devastating manner. But this bill speaks to all of us as Americans, and it focuses on saving lives, for those who have suffered with blood cancer diseases, those who have lost their lives.

This is, in fact, an enormous tribute, but, most importantly, it shows we are going to act. I would encourage both the passage and the funding of this legislation, for tribute comes by action and not just words. I thank the distinguished members of this committee.

I ask my colleagues to support this legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that a proper reference to a Senator is as a sponsor of the measure.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the Senate bill, S. 1094.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL CHARTER SCHOOLS WEEK

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 386) supporting a National Charter Schools Week, and for other purposes

The Clerk read as follows:

H. CON. RES. 386

Whereas charter schools are public schools authorized by a designated public body and operating on the principles of accountability, parental involvement, choice, and autonomy;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 37 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas 37 States, the District of Columbia, and the Commonwealth of Puerto Rico will have received substantial assistance from the Federal Government by the end of the current fiscal year for planning, startup, and implementation of charter schools since their authorization in 1994 under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas 34 States, the District of Columbia, and the Commonwealth of Puerto Rico are serving over 580,000 students in more than 2,431 charter schools during the 2001–2002 school year;

Whereas charter schools can be vehicles for improving student achievement for students who attend them, for stimulating change and improvement in all public schools, and for benefiting all public school students;

Whereas charter schools must meet the same Federal student achievement accountability requirements as all public schools, and often set higher and additional goals, to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools assess and evaluate students annually and often even more frequently, and charter school student achievement is directly linked to charter school existence;

Whereas charter schools give parents new freedom to choose their public school, charter schools routinely measure parental approval, and charter schools must prove their ongoing and increasing success to parents, policymakers, and their communities;

Whereas two-thirds of charter schools report having a waiting list, the average size of such a waiting list is nearly one-half of the school's enrollment, and the total number of students on all such waiting lists is enough to fill another 1,000 average-sized charter schools;

Whereas students in charter schools nationwide have similar demographic characteristics as students in all public schools;

Whereas charter schools in many States serve significant numbers of students from families with lower income, minority students, and students with disabilities, and in a majority of charter schools, almost half the students are considered at risk or are former dropouts;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, the Congress, State Governors and legislatures, educators, and parents across the Nation; and

Whereas charter schools are laboratories of reform and serve as models of how to educate children as effectively as possible: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress honors the 10th anniversary of the opening of the Nation's first charter school;

(2) the Congress acknowledges and commends the charter school movement and charter schools, teachers, parents, and students across the Nation for their ongoing contributions to education and improving and strengthening the Nation's public school system;

(3) the Congress supports the goals of National Charter Schools Week, an event sponsored by charter schools and charter school organizations across the Nation and established to recognize the significant impacts, achievements, and innovations of the Nation's charter schools; and

(4) it is the sense of the Congress that the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools in communities throughout the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Indiana (Mr. ROEMER) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 386.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida (Mr. KELLER), who is the author of this legislation.

Mr. KELLER. Mr. Speaker, I thank the gentleman from Delaware for yielding me time.

Mr. Speaker, I rise today in support of my resolution to honor National Charter Schools Week House Concurrent Resolution 386. This resolution recognizes the many contributions charter schools have made to strengthen America's public school system. I introduced this resolution because of my firm conviction that charter schools work to benefit all students and all schools.

This resolution honors the 10th anniversary of the opening of the Nation's first charter schools. It acknowledges and commends the charter school movement and it honors the parents, teachers and students across the Nation for their ongoing contributions to education and for strengthening the Nation's public school system.

Since 90 percent of the children in this country go to public schools, it is critical that we do what we can to strengthen the public school systems. Charter schools have done just that. In just 10 short years, there are already almost 2,500 charter schools serving half a million students across the country.

Currently, 37 States, D.C. and Puerto Rico have passed charter school laws. Florida's public school system already has over 200 charter schools serving almost 30,000 children. There are 11 charter schools in my districts alone. I often hear of the successes of Lake Eola Charter School and Hope Charter School in Orlando, Florida.

What are charter schools and why do they offer alternatives for our parents and children? Charter schools are public schools established under State law that are given varying degrees of autonomy from State and local regulations. Charter schools must meet the same Federal student achievement accountability requirements as all other public schools, and they often set higher and additional goals to ensure that they are a high quality and truly accountable to the public.

□ 1730

This flexibility and exchange for accountability often translates into higher test scores and innovative practices. They provide an option to parents, often from low-income families, who desire an alternative to their local school.

Charter schools, by their very nature, place more emphasis on parental involvement, increased instruction, higher academic standards, and character education. They routinely measure parental approval and student

progress. Otherwise, they would cease to exist. A charter school is created out of the demand for an alternative to the local school and is often started up through a group of active parents and teachers. Many of them serve a specific need in the community. Some can be oriented toward math and sciences and others exist to satisfy a need for liberal arts. Each is unique, but necessary.

President Bush's landmark legislation, the No Child Left Behind Act, contains multiple provisions which support the expansion of charter schools. It provides for an additional $200 million to help establish 700 new charter schools, and we expect an additional $100 million this year for construction of new charter school facilities.

Mr. Speaker, I would again like to congratulate the students, parents, teachers, principals, and administrators who have embraced the charter school movement and have made it such a success. The bottom line is that charter schools work because they are free from burdensome regulations and, in return, are held accountable for academic results. I urge my colleagues to recognize the role charter schools have made to strengthen our public school system and vote ''yes'' on House Concurrent Resolution 386.

Mr. ROEMER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I obviously rise in support, strong support, of this resolution commending the very important contribution that charter schools make to our public schools across this great land, and also to designate a week of Charter School Appreciation Week.

I want to talk a little bit about the past, the present, and the future of charter schools. Our families and our parents and our teachers are all very excited and very concerned about the prospect of public education in America today. It continues to rank as one of the highest issues when we poll, when we go to town meetings, when we ask any families about their priority concerns across the United States.

The past of charter schools, when we first got into this issue, was working with the new Democrats here in the House of Representatives and working with the DLC, the Democratic Leadership Council, and the PPI, and coming up with more opportunities for parents to get public school choice; not to rip money away from public schools and transfer it to private schools, but help support the foundation of public schools, while also helping the reform movement, the accountability movement, the change movement, the new opportunities for students, parents, and teachers movement; to try to get new curriculum and new ideas in our public schools. This has caught fire, and a host of States now have passed enabling legislation at the State level to create charter schools. The Federal Government is passing new laws and new help, providing new resources for charter schools to go forward in today's education environment.

So the past has been our efforts to help at the national level to create incentives and carrots to foster more public school charter schools in the United States. Last year, Indiana became the 38th charter school State, and I am very proud of that.

What is the present state of charter schools? As I said before, charter schools stress accountability, parental involvement, choice, and autonomy, and I am glad that this type of innovation is now beginning in Indiana. Charter schools are public schools that respond to an increasingly high demand for choices from parents, from teachers, and from students. They represent reform, improvement, and innovation in public education. Charter schools often serve our at-risk students. Nearly 60 percent of charters serve a population in which more than 40 percent of students qualify for free or reduced lunches. More than half of all charter schools serve a population in which 40 percent of the students are minorities. Nearly half of all charter schools serve a population in which more than 40 percent of students are considered at risk or former dropouts.

So this is not going out and picking the best students and forming a school and then trying to raise test scores and separating the public students more and more, or cherry-picking the best and leaving some of the at-risk students behind. In fact, many of the charter schools are designed to go after those dropouts, to go after those at-risk students, to go after those students most in need.

Mr. Speaker, 34 States, including the District of Columbia and Puerto Rico, including Indiana, are serving more than 500,000 students in about 2,430 charter schools. I mentioned the District of Columbia, and I want to note the support of the gentlewoman from the District of Columbia (Ms. NORTON) for these charter schools. I have visited many of these schools in the D.C. area, and I want to say for the record that I think some of those schools are the most innovative, the strongest, some of the schools with the best teachers and students and success rates as any charter schools in America. I know that she is very proud of those charter schools.

So what is the future of charter schools? What do we need to concentrate on to make sure that these charter schools remain viable choices for parents, teachers, and students?

One obstacle for charter schools is to overcome the difficulties and problems of start-up costs. They need to get in a building, and oftentimes procuring that building is the single biggest impediment to starting that charter school. We need to provide Federal resources, maybe matching with bonds and other State incentives, to help start these charter schools.

Secondly, we need to share best practices. If there are some good charter schools in one State, we need to find ways to share those best practices, those successful schools with other charter movements in other States, and strengthen the accountability, because these schools need to be held accountable. If they are not working, they can be closed. We need to make sure that the State laws are good charter school laws.

Thirdly, we need to look at the per-pupil expenditures so that they are equal to other public schools. We are talking about public charter schools and other public schools, so let us make sure that these students get equal access, whether they go to a public charter school or a previous public school.

So I am very excited about this movement that is catching fire across this country. I am very excited about the New Democrats' support for this back 5 and 6 and 7 years ago when it was a new idea. I am very supportive in a bipartisan way of working with the Republicans and the administration to find new ways to support the growth of charter schools, as I have outlined, in the future.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H. Con. Res. 386, recognizing the charter school movement for its contribution to improving our Nation's public schools.

Charter schools are independent public schools that are created by parents and teachers and operated with exemptions from most State laws and regulations. In just 10 years, the charter school movement has grown to over 2,400 schools enrolling 580,000 students in 34 States, the District of Columbia, and Puerto Rico. These schools provide new choices for parents of public schoolchildren and they serve as laboratories for innovative educational practices that improve student achievement.

In my State of Delaware, the first charter school located in Wilmington opened in 1996. Unlike other schools, Wilmington Charter School focused its curriculum on math and science and it has achieved top scores in the Delaware assessments in math, reading, writing and science. Like many charter schools, Wilmington Charter School boasts high parental involvement, excellent student behavior, and state-of-the-art technology in every classroom. Unlike many traditional public schools, however, charter schools are subject to an unprecedented level of accountability. They have detailed written performance contracts, and where they are unable to meet the terms of the contracts, the schools are closed.

Recently citing financial instability, the Delaware Department of Education took a first step toward the revocation of the charter of a charter school in my

State. Many parents and students waged a heroic battle to keep the school doors open, attempting to fund the school with bake sales and auctions, and many are still reeling from the decision. Despite this setback, many Delaware charter schools continue to have more applications for admissions than they can currently accommodate. In my mind, this reinforces the need for alternative public education in Delaware.

Combined with high parent satisfaction and improved academic achievement, the strong support for Delaware charter schools has caused many school officials to acknowledge some of the failures of our traditional public schools, and they tell me it compels them to improve. With this week being National Charter Schools Week, April 29 to May 3, it is therefore fitting that we recognize our Nation's charter schools as another way to improve student achievement and increase parental involvement.

In conclusion, I want to thank the gentleman from Florida (Mr. KELLER) for his leadership on this issue, and I urge an ''aye'' vote.

Mr. Speaker, I reserve the balance of my time.

Mr. ROEMER. Mr. Speaker, I yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), my classmate.

Ms. NORTON. Mr. Speaker, I appreciate the gentleman for yielding me this time, and I appreciate all of his work on this issue. He has been one of the movers and shakers for charter schools in this Congress. This is only one of the reasons I am in mourning that he is leaving the Congress. I want to thank the author of the resolution, H. Con. Res. 386, as well.

Mr. Speaker, the District of Columbia, our Nation's Capital, is supporting charter schools in a way that counts with the largest number of charter schools per capita in the United States. Fourteen percent of our youngsters go to charter schools, more than in any other State. We have 2 chartering authorities, including one that was authorized by this Congress pursuant to a bill I sponsored in 1995 with the agreement of the District of Columbia. All of our charter schools are public, nonsectarian schools. There are 13 elementary schools, 11 middle schools, and 16 high schools. I want to draw attention to one in particular, the Seed School, which is the first inner city charter boarder school in the United States. Yes, that is right. A boarding school of 14 children in a classroom, and it has attracted all kinds of private funds. We can imagine how surrounding these children with what such a school has to offer, what it means in terms of their career opportunities and their ability to get into top-flight schools.

We think our charter school movement here is a model for how to promote competition to the traditional public schools. This House may recall that there was fierce opposition in the District which this Congress tried to impose on the District vouchers, fierce opposition, rage, and yet the District has embraced charter schools like its second skin. They have proven to be better than vouchers because they are far less controversial and have a far greater variety of schools than we could ever have gotten with vouchers.

These schools are very independent. They are not tied to the bureaucracy of the public schools of the District of Columbia at all.

For those who say that the public schools need competition, they are right. Boy, have they been competition for our public schools. I think they have made our public schools better. The scores in the public schools are better than the scores in the charter schools, but at the very bottom, the very bottom, the charter schools are doing better, and that may be because of the teacher-student ratio, because there are a smaller number of students in those schools.

□ 1745

The competition is good, but it has been publicly accountable competition.

What the charter schools and the public schools do is really enable us to compare schools that are apples and apples, because there is an even playing field here. Both of them get public money; both of them must take every student; none of them can cream off the top; none of them can discriminate based on where they come from or what their parents are or what the test scores are; and they all have the same health, safety, financial, and reporting regulations.

So we are probably going to be the first jurisdiction with a critical mass that is able to compare how students do in charter schools with how students do in traditional public schools.

In some jurisdictions, I want to caution the Congress that charter schools have become more controversial. They are seen less as competition and more as a distraction. I regret that. That has not yet happened in the District of Columbia.

But caution has to be taken to make sure that where a critical mass of money is necessary to run a public school system, that that remains intact, and that the number of charter schools relative to the number of traditional public schools remains in some kind of balance, and people do not go off chartering, catch-as-catch-can, charter schools.

In any case, the District, its parents, its students, are embracing charter schools. What is happening in the District of Columbia, in the Nation's capital, there is a real, live, thriving charter school movement helping to improve educational opportunity by providing a variety of public school vehicles from which our public school children, indeed any child in the District of Columbia, can choose.

I urge Members to look at this model to see what it may have to offer for their own jurisdiction. I thank the gentleman for his work on this issue.

Mr. CASTLE. Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. PETRI)

Mr. PETRI. Mr. Speaker, I am pleased to speak in support of this resolution, as it once again recognizes the charter school movement for its contribution to improving America's schools.

Although Congress has been supporting the growth of charter schools for almost 10 years now, we should remember that this is, in fact, a grassroots movement. The movement was really started in the early 1990s by concerned parents and frustrated teachers who were fed up with the status quo, weary of fighting the bureaucracy that defeats innovation, and tired of seeing their children consigned to mediocrity and to failure.

In my State of Wisconsin, I am proud to say that we have a strong charter school program that was one of the first in the Nation to be established. I recently participated in the charter school conference held near my district. I was excited to learn of the innovation going on in my State.

For example, Wisconsin will soon have two virtual charter schools, which are public charter schools that conduct classes online. Thanks to Wisconsin's open enrollment law, children from anywhere in the State can apply to enroll in these schools. These virtual charter schools will provide a computer and Internet access to the enrolled children.

In these virtual schools, the parents have great control, and the parents make final decisions as to their child's personalized learning plan while still having full access to professionally-prepared curriculum and teacher support. Thus, this approach utilizes the advantages of home schooling, charters, and public school choice to create a unique educational experience.

I would like to thank my colleague, the gentleman from Florida (Mr. KELLER) for bringing forward this resolution. I appreciate the opportunity to speak in its support, and I urge my colleagues to support a National Charter Schools Week, and to continue to encourage the growth of this important and successful reform movement.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, in honor of National Charter Schools Week, I rise in strong support of House Concurrent Resolution 386 introduced by my friend and colleague, the gentleman from Florida (Mr. KELLER), also a member of our committee.

This week-long celebration, which runs through Friday, is cosponsored by more than 75 grassroots charter school support organizations in 45 States, and is coordinated by the Charter Friends National Network and the Center for Education Reform.

Also during this week there will be six charter school nights at major league baseball games in Colorado and in California. In addition, other national organizations have signed on as national supporting organizations for National Charter Schools Week, including the National Council of La Raza, the National Cooperative Bank Development Corporation, the Gates-EdVisions Project, and Youthbuild USA.

Although a relatively new phenomenon, charter schools have been at the cutting edge of educational reform for the past several years. Nowhere is this more true than in Dayton, Ohio, a new part of my district, the site of one of the fastest growing charter school movements in the Nation.

In Dayton, more than a dozen charter schools are up and running, serving thousands of area children. In Dayton and across the Nation, the contributions of charter schools are helping to strengthen our Nation's public schools. They are playing a key role in the effort to raise expectations and ensure that every child of every income and ethnic background has the chance for a safe and world-class education.

There are not many things that I and the editors of the Dayton Daily News agree on usually, but they were right on this one earlier this month when they wrote, and I will quote, ''Charter schools deserve a chance. They can serve as models for public schools, and the competition they provide is a good thing.''

In exchange for flexibility and freedom from regulations, charter schools are held accountable for improving the academic achievement of their students. This new-found flexibility and freedom has not only translated into higher test scores, but also innovative practices. I think it has empowered parents with the ability to seek out the best education possible for their own children.

In fact, we mirror these same principles of freedom, flexibility, and accountability through the Elementary and Secondary Education Act in H.R. 1, the No Child Left Behind Act, which the President signed into law earlier this year.

Currently, 37 States, the District of Columbia, and Puerto Rico have passed charter school laws, and more than a half a million students attend charter schools somewhere nationwide. My hope is that every State will have passed a charter school law in the very near future.

That said, Mr. Speaker, I would like to congratulate all of the students, parents, teachers, principals, and administrators who have embraced the charter school movement and are working to make it a success.

I would also like to recognize the efforts of two Ohio officials, State auditor Jim Petro and State Representative Jon Husted of Dayton, who have worked tirelessly on behalf of our State's charter schools.

Finally, I want to thank the gentleman from Florida (Mr. KELLER), the gentleman from Georgia (Mr. ISAKSON), the gentleman from Michigan (Mr. UPTON), and the gentleman from Indiana (Mr. ROEMER) for their efforts in bringing this resolution to the floor.

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from Delaware for yielding time to me.

Mr. Speaker, I am pleased to rise in support of this resolution. I commend the gentleman from Florida (Mr. KELLER) for introducing it, because it recognizes an important principle: We in government know that regulation, with the best of intentions, is not always successful.

The charter school movement recognizes that empowerment of parents, teachers, and the children is almost always successful. That is the basic principle of the charter school movement. It engages the parents in setting the goals, it engages the faculty with the parents in setting the goals, and it asks for regulation waivers in return for the accountability for achievement and higher standards.

In my district in Georgia, the first charter school in our State was approved, and it has subsequently been reapproved. The results are remarkable. The parents are proud, the kids are engaged, and the faculty is a part of the decision-making process, the change, and the reform that has made the school movement a success.

So I commend the gentleman from Florida (Mr. KELLER), I commend those parents, as the gentleman from Ohio (Chairman BOEHNER) has said, and I commend those around the country that are trying to help public schools with that key process of parental involvement and teacher involvement in higher goals and better achievement.

Lastly, I want to add a comment. At our recess a few weeks ago, I traveled with USAID to Egypt and Ethiopia. In Ethiopia, I observed a program known as BESO, sponsored by Save the Children, CARE, World Learning, and USAID. It is a program that engaged, due to the following: It is basic educational structural overhaul. The result is, it is charter schools.

There in Ethiopia, where we have problems with AIDS, problems with Muslim children being able to go to school, problems with economic development because of poor job training, we are bringing in parents, most of whom never had an education, to be part of the school with their children and the teachers to set goals.

We saw children in the worst of impoverished situations achieving higher goals because their parents were involved, their government supported change, and because teachers, parents, and students were partners together.

The resolution of the gentleman from Florida (Mr. KELLER) is a good one. The charter school movement is a tremendous asset to public education. I commend the gentleman from Florida for its introduction. I support the resolution.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding time to me. I rise in strong support of this important resolution.

Mr. Speaker, our Nation's charter schools have been a great boon to America's education system. My great State of Minnesota enjoys being at the forefront of many movements. Charter schools are no exception. St. Paul Academy in St. Paul, Minnesota, and Bluffview Montessori School in Winona, Minnesota, are America's first charter schools. These schools received their charters back in 1993.

Charter schools provide an innovative curriculum. Students are able to explore specific interests in a unique environment. Charter schools address the special needs of students who may not otherwise prosper in traditional public education systems.

Minnesota features charter schools that specifically address the needs of Hmong and Native American students.

A new agricultural charter school just opened in the Twin Cities. This is an excellent opportunity for urban students to expand their knowledge. Too many adults do not know enough about how food is produced. Charter schools are providing the innovative solutions to that gap of understanding.

As a component of public education, charter schools are a testing ground for education delivery systems, and they are proving very successful. With an enrollment of 175 students, Bluffview continues to prosper. Their students, with the guidance of 15 teachers, have consistently scored higher than national and State averages on standardized tests.

Charter schools provide a creative answer to the question of parental involvement, flexibility and accountability in the public school system, higher standards, and oversight by a sponsoring public district maintain quality and continuity in each school.

In the case of parental involvement, I want to tell Members about Sandy Bauer. Her children have already graduated from Bluffview. Her experience as a parent was so positive that she continues to be a volunteer. That is commitment. Her actions tell me that Bluffview is doing something right.

Accountability is best demonstrated by the creation of a charter document. This document specifically outlines the goals for achievement. I firmly believe in planning your work and working your plan. Charter schools, by their very nature, must meet the goals of their charter or they lose that charter.

I am proud to celebrate National Charter Schools Week. I wholeheartedly commend the charter schools, the movement, the charter school teachers, the parents, and the

students for their ongoing contributions to education. They are leading our country to a brighter future for all students, and I am happy to cosponsor this important resolution.

Mr. ROEMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I conclude by stating my very strong support for this resolution. I want to thank the gentleman from Delaware (Mr. CASTLE) for his support on this bipartisan resolution today, as well.

Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Florida (Mr. KELLER) for his sponsorship of this, and the gentleman from Indiana (Mr. ROEMER).

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 386.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CASTLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1800

EDUCATION SCIENCES REFORM ACT OF 2002

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3801) to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EDUCATION SCIENCES REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the ''Education Sciences Reform Act of 2002''.

SEC. 102. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. 101. Short title.
Sec. 102. Table of contents.
PART A—ACADEMY OF EDUCATION SCIENCES
Sec. 111. Establishment.
Sec. 112. Organization.
Sec. 113. Functions.
Sec. 114. Delegation.
Sec. 115. Office of the Director.
Sec. 116. Priorities.
Sec. 117. National Board for Education Sciences.
Sec. 118. Commissioners of the National Education Centers.
Sec. 119. Office of Educational Resources and Dissemination.
PART B—NATIONAL CENTER FOR EDUCATION RESEARCH
Sec. 131. Establishment.
Sec. 132. Commissioner for Education Research.
Sec. 133. Duties.
Sec. 134. Biennial report.
Sec. 135. Standards for conduct and evaluation of research.
PART C—NATIONAL CENTER FOR EDUCATION STATISTICS
Sec. 151. Establishment.
Sec. 152. Commissioner for Education Statistics.
Sec. 153. Duties.
Sec. 154. Performance of duties.
Sec. 155. Reports.
Sec. 156. Dissemination.
Sec. 157. Cooperative education statistics systems.
Sec. 158. State defined.
PART D—NATIONAL CENTER FOR EDUCATION EVALUATION
Sec. 171. Establishment.
Sec. 172. Commissioner for Education Evaluation.
Sec. 173. Duties.
PART E—GENERAL PROVISIONS
Sec. 181. Definitions.
Sec. 182. Interagency data sources and formats.
Sec. 183. Prohibitions.
Sec. 184. Confidentiality.
Sec. 185. Availability of data.
Sec. 186. Performance management.
Sec. 187. Authority to publish.
Sec. 188. Vacancies.
Sec. 189. Scientific or technical employees.
Sec. 190. Voluntary service.
Sec. 191. Fellowships.
Sec. 192. Rulemaking.
Sec. 193. Authorization of appropriations.

PART A—ACADEMY OF EDUCATION SCIENCES

SEC. 111. ESTABLISHMENT.

(a) ESTABLISHMENT.—There shall be in the Department an Academy of Education Sciences, to be administered by a Director (as provided in section 115) and a board of directors (as provided in section 117).

(b) MISSION.—The mission of the Academy is to provide national leadership in expanding fundamental knowledge and understanding of education, in order to provide parents, educators, students, researchers, policymakers, and the general public with reliable information about the condition and progress of education in the United States, educational practices that support learning and improve academic achievement for all students, and the effectiveness of Federal and other education programs. In carrying out this mission, the Academy shall conduct research, evaluation, statistics, and dissemination activities supported by Federal funds through the Academy and ensure that such activities—

(1) conform to high standards of quality, integrity, and accuracy; and

(2) are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

SEC. 112. ORGANIZATION.

The Academy consists of the following:

(1) The Office of the Director (as set out in section 115).

(2) The National Board for Education Sciences (as set out in section 117).

(3) The Office of Educational Resources and Dissemination (as set out in section 119).

(4) The National Education Centers, which include—

(A) the National Center for Education Research (as set out in part B);

(B) the National Center for Education Statistics (as set out in part C); and

(C) the National Center for Education Evaluation (as set out in part D).

SEC. 113. FUNCTIONS.

The Academy, directly or through grants, contracts, or cooperative agreements, shall—

(1) conduct and support scientifically valid research activities, including basic and applied research, statistics activities, scientifically valid education evaluation, development, and dissemination;

(2) disseminate the findings and results of scientifically valid research in education;

(3) promote the application of knowledge gained from scientifically valid research activities;

(4) strengthen the national capacity to conduct scientifically valid research in education; and

(5) promote the coordination of scientifically valid research in education within the Department and the Federal Government.

SEC. 114. DELEGATION.

(a) DELEGATION OF AUTHORITY.—Notwithstanding section 412 of the Department of Education Organization Act (20 U.S.C. 3472), the Secretary shall delegate to the Director all functions for carrying out this title (other than administrative and support functions), except that—

(1) nothing in this title or in the National Assessment of Educational Progress Authorization Act may be construed to alter or diminish the role, responsibilities, or authority of the National Assessment Governing Board with respect to the National Assessment of Educational Progress from those authorized by the National Education Statistics Act of 1994 immediately before the enactment of this Act;

(2) members of the National Assessment Governing Board shall continue to be appointed by the Secretary;

(3) section 302(f)(1) of the National Assessment of Educational Progress Authorization Act shall apply to the National Assessment Governing Board in the exercise of its responsibilities under this Act;

(4) sections 116 and 117(b)(2) shall not apply to the National Assessment of Educational Progress; and

(5) sections 116 and 117 shall not apply to the National Assessment Governing Board.

(b) OTHER ACTIVITIES.—The Secretary may assign the Academy responsibility for administering other activities, if those activities are consistent with—

(1) the Academy's priorities, as approved by the National Board for Education Sciences under section 116; or

(2) the Academy's mission, if the activities are not consistent with such priorities.

SEC. 115. OFFICE OF THE DIRECTOR.

(a) APPOINTMENT.—Except as provided in subsection (b)(2), the President, with the advice and consent of the Senate, shall appoint the Director of the Academy.

(b) TERM.—

(1) IN GENERAL.—The Director shall serve for a term of 6 years, beginning on the date of appointment of the Director, but may be removed by the President prior to the expiration of that term.

(2) FIRST DIRECTOR.—The President, without the advice and consent of the Senate, may appoint the Assistant Secretary for the Office of Educational Research and Improvement (as such office existed on the day before the date of enactment of this Act) to serve as the first Director of the Academy.

(3) SUBSEQUENT DIRECTORS.—The Board may make recommendations to the President with respect to the appointment of a

Director, other than a Director appointed under paragraph (2).

(c) PAY.—The Director shall receive the rate of basic pay for level III of the Executive Schedule.

(d) QUALIFICATIONS.—The Director shall be selected from individuals who are highly qualified authorities in the fields of scientifically valid research, statistics, or evaluation in education, as well as management within such areas, and have a demonstrated capacity for sustained productivity and leadership in these areas.

(e) ADMINISTRATION.—The Director shall—

(1) administer, supervise, and coordinate the activities carried out under the Academy, including the activities of the National Education Centers; and

(2) coordinate and approve budgets and operating plans for each of the National Education Centers for submission to the Secretary.

(f) DUTIES.—The duties of the Director shall include the following:

(1) To propose to the Board priorities for the Academy, in accordance with section 116(a).

(2) To ensure the methodology applied in conducting research, evaluation, and statistical analysis is consistent with the standards for such activities under this title.

(3) To coordinate education research and related activities carried out by the Academy with such research and activities carried out by other agencies within the Department and the Federal Government.

(4) To advise the Secretary on research, evaluation, and statistics activities relevant to the activities of the Department.

(5) To establish necessary procedures for technical and scientific peer review of the activities of the Academy, consistent with section 117(b)(3).

(6) To ensure that all participants in research conducted or supported by the Academy are afforded their privacy rights and other relevant protections as research subjects, in accordance with section 184 of this title, section 552a of title 5, United States Code, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(7) To ensure that activities conducted or supported by the Academy are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(8) To undertake initiatives and programs to increase the participation of researchers and institutions that have been historically underutilized in Federal education research activities in the activities of the Academy, including historically Black colleges and universities and other institutions of higher education with large numbers of minority students.

(9) To coordinate with the Secretary to promote and provide for the coordination of research and development activities and technical assistance activities between the Academy and the regional governing boards and regional entities described in section 203 of the Regional Assistance Act of 2002 to ensure collaboration and resource sharing and reduce redundancy in such activities.

(10) To solicit and consider the recommendations of education stakeholders, in order to ensure that there is broad and regular public and professional input from the educational field in the planning and carrying out of the Academy's activities.

(11) At the discretion of the Director and in consultation with the National Academy of Sciences, to conduct a study to determine—

(A) a standard by which States may accurately measure the rate at which students drop out of or graduate from secondary schools in the United States (including on-time graduation); and

(B) the use of alcohol or illegal narcotics as contributing factors to incidents of school violence committed by students during the regular school day and while participating in other school-related activities.

(12) To carry out and support other activities consistent with the priorities and mission of the Academy.

(g) EXPERT GUIDANCE AND ASSISTANCE.—The Director may establish technical and scientific peer-review groups and scientific program advisory committees that the Director determines are necessary to carry out the requirements of this title. The Director shall appoint such personnel, except that officers and employees of the United States shall comprise no more than one-fourth of the members of any such group or committee and shall not receive additional compensation for their service as members of such a group or committee. The Director shall ensure that reviewers are highly qualified and capable to appraise education research and development projects. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a peer-review group or an advisory committee established under this subsection.

SEC. 116. PRIORITIES.

(a) PROPOSAL.—The Director shall propose to the Board priorities for the Academy (taking into consideration long-term research and development on core issues conducted through the national research and development centers (as defined in section 181)) identifying topics that may require long-term research and topics that are focused on understanding and solving particular education problems and issues, including those associated with the goals and requirements established in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), such as—

(1) closing the achievement gap between high-performing and low-performing children, especially achievement gaps between minority and nonminority children and between disadvantaged children and their more advantaged peers; and

(2) ensuring that all children reach, at a minimum, proficiency on challenging State academic achievement standards and assessments.

(b) APPROVAL.—The Board shall approve or disapprove the priorities for the Academy proposed by the Director, including any necessary revision of those priorities. The Board shall transmit any priorities so approved to the appropriate congressional committees.

(c) CONSISTENCY.—The Board shall ensure that priorities of the Academy and the National Education Centers are consistent with the mission of the Academy.

(d) PUBLIC AVAILABILITY AND COMMENT.—

(1) PRIORITIES.—Before submitting to the Board proposed priorities for the Academy, the Director shall make such priorities available to the public for comment (including by means of the Internet and through publishing such priorities in the Federal Register). The Director shall provide to the Board a copy of each such comment submitted.

(2) PLAN.—Upon approval of such priorities, the Director shall make the Academy's plan for addressing such priorities available for public comment in the same manner as under paragraph (1).

SEC. 117. NATIONAL BOARD FOR EDUCATION SCIENCES.

(a) ESTABLISHMENT.—The Academy shall have a board of directors, which shall be known as the National Board for Education Sciences.

(b) DUTIES.—The duties of the Board shall be the following:

(1) To advise the Director on the policies of the Academy.

(2) To consider and approve priorities under section 116 to guide the work of the Academy.

(3) To review and approve procedures for scientific peer review of the activities of the Academy.

(4) To advise the Director on the development of activities to be supported by the Academy, including the general areas of research to be carried out by the National Center for Education Research.

(5) To present to the Director such recommendations as it may find appropriate for—

(A) the strengthening of education research; and

(B) the funding of the Academy.

(6) To advise the Director on the funding of applications for grants, contracts, and cooperative agreements for research, after the completion of peer review.

(7) To review and regularly evaluate the work of the Academy, to ensure that scientifically valid research, evaluation, and statistical analysis are consistent with the standards for such activities under this title.

(8) To advise the Director on ensuring that activities conducted or supported by the Academy are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(9) To solicit advice and information from those in the educational field, particularly practitioners and researchers, to recommend to the Director topics that require long-term, sustained, systematic, programmatic, and integrated research efforts, including knowledge utilization and dissemination of research, consistent with the priorities and mission of the Academy.

(10) To advise the Director on opportunities for the participation in, and the advancement of, women, minorities, and persons with disabilities in education research, statistics, and evaluation activities of the Academy.

(11) To recommend to the Director ways to enhance strategic partnerships and collaborative efforts among other Federal and State research agencies.

(12) To recommend to the Director individuals to serve as Commissioners of the National Education Centers.

(c) COMPOSITION.—

(1) VOTING MEMBERS.—The Board shall have 15 voting members appointed by the President, with the advice and consent of the Senate.

(2) ADVICE.—The President shall solicit advice on individuals to serve on the Board from the National Academy of Sciences, the National Science Foundation, and the Office of Science and Technology Policy.

(3) NONVOTING EX OFFICIO MEMBERS.—The Board shall have the following nonvoting ex officio members:

(A) The Director of the Academy of Education Sciences.

(B) Each of the Commissioners of the National Education Centers.

(C) The Director of the National Institute of Child Health and Human Development.

(D) The Director of the Census.

(E) The Commissioner of Labor Statistics.

(F) The Director of the National Science Foundation.

(4) APPOINTED MEMBERSHIP.—

(A) QUALIFICATIONS.—Members appointed under paragraph (1) shall be highly qualified to appraise education research, statistics, evaluations, or development, and shall include individuals from each of the following groups:

(i) Educators, including classroom teachers, principals, and other school administrators.

(ii) Parents.

(iii) Business leaders.

(iv) Experts and scientists in research, statistics, evaluation, or development, who are recognized in their discipline as highly qualified to represent such discipline.

(B) SPECIAL RULE.—A majority of the voting members of the Board must be appointed from the groups described in clauses (i) and (iv) of subparagraph (A).

(C) TERMS.—Each member appointed under paragraph (1) shall serve for a term of 4 years, except that—

(i) each such member may be removed by the President before the expiration of that term;

(ii) the terms of the initial members appointed under such paragraph shall (as determined by a random selection process at the time of appointment) be for staggered terms of—

(I) 4 years for each of five members;

(II) 3 years for each of five members; and

(III) 2 years for each of five members; and

(iii) no member appointed under such paragraph shall serve for more than two consecutive terms.

(D) UNEXPIRED TERMS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(5) CHAIR.—The Board shall elect a chairperson from among the members of the Board.

(6) COMPENSATION.—Members of the Board shall serve without pay for such service. Members of the Board who are officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(7) TRAVEL EXPENSES.—The members of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(8) POWERS OF THE BOARD.—

(A) EXECUTIVE DIRECTOR.—The Board shall have an Executive Director who shall be appointed by the Board.

(B) ADDITIONAL STAFF.—The Board shall utilize such additional staff as may be appointed or assigned by the Director, in consultation with the Chair.

(C) DETAIL OF PERSONNEL.—The Board may use the services and facilities of any department or agency of the Federal Government. Upon the request of the Board, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Board to assist the Board in carrying out this Act.

(D) CONTRACTS.—The Board may enter into contracts or make other arrangements as may be necessary to carry out its functions.

(E) INFORMATION.—The Board may, to the extent otherwise permitted by law, obtain directly from any executive department or agency of the Federal Government such information as the Board deems necessary to carry out its functions.

(9) MEETINGS.—The Board shall meet not less than four times each year. The Board shall hold additional meetings at the call of the chairperson or upon the written request of at least six voting members of the Board.

(10) QUORUM.—A majority of the voting members of the Board shall constitute a quorum.

(d) STANDING COMMITTEES.—

(1) ESTABLISHMENT.—The Board may establish standing committees—

(A) to each serve one of the National Education Centers; and

(B) to advise, consult with, and make recommendations to the Director and the Commissioner of the appropriate National Education Centers.

(2) MEMBERSHIP.—A majority of the members of each standing committee shall be voting members of the Board whose expertise is needed for the functioning of the committee. In addition, the membership of each standing committee may include, as appropriate—

(A) experts and scientists in research, statistics, evaluation, or development who are recognized in their discipline as highly qualified to represent such discipline and who are not members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board;

(B) ex officio members of the Board; and

(C) policymakers and expert practitioners with knowledge of, and experience using, the results of research, evaluation, and statistics who are not members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board.

(3) DUTIES.—Each standing committee shall—

(A) at the discretion of the Board or the standing committee, review and comment on any grant, contract, or cooperative agreement entered into (or proposed to be entered into) by the applicable National Education Center;

(B) prepare for, and submit to, the Board an annual evaluation of the operations of the applicable National Education Center;

(C) review and comment on the relevant plan for activities to be undertaken by the applicable National Education Center for each fiscal year; and

(D) periodically report to the Board regarding the activities of the committee and the applicable National Education Center.

(e) ANNUAL REPORT.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees, not later than July 1 of each year, a report that assesses the effectiveness of the Academy in carrying out its priorities and mission, especially as such priorities and mission relate to carrying out scientifically valid research, conducting unbiased evaluations, and collecting and reporting accurate education statistics.

(f) RECOMMENDATIONS.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees a report that includes any recommendations regarding any actions that could be taken to enhance the ability of the Academy to carry out its priorities and mission. The Board shall submit an interim report not later than 3 years after the date of enactment of this Act and a final report not later than 5 years after such date of enactment.

SEC. 118. COMMISSIONERS OF THE NATIONAL EDUCATION CENTERS.

(a) APPOINTMENT.—The National Education Centers shall each be headed by a Commissioner appointed by the Director. In appointing Commissioners, the Director shall seek to promote continuity in leadership of the National Education Centers and shall consider individuals recommended by the Board. The Director may appoint a Commissioner to carry out the functions of a National Education Center without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) PAY.—The Commissioners shall each receive the rate of basic pay for level IV of the Executive Schedule.

(c) QUALIFICATIONS.—Each Commissioner shall be highly qualified in the field of education research, statistics, or evaluation.

(d) SERVICE AND REMOVAL.—Each Commissioner shall report to the Director and may be removed by the Director. A Commissioner shall serve for a period of no more than 6 years, unless reappointed by the Director, except that a Commissioner may serve for an additional period, not to exceed 1 year, until a successor has been appointed by the Director.

SEC. 119. OFFICE OF EDUCATIONAL RESOURCES AND DISSEMINATION.

(a) ESTABLISHMENT.—There is established within the Academy an Office of Educational Resources and Dissemination.

(b) DUTIES.—The Office of Educational Resources and Dissemination shall—

(1) disseminate information on scientifically valid research, statistics, and evaluation on education to the public, the media, voluntary organizations, and other constituencies, especially with respect to information relating to, at a minimum—

(A) the core academic areas of reading, mathematics, and science;

(B) closing the achievement gap between high-performing students and low-performing students;

(C) educational practices that improve academic achievement and promote learning; and

(D) education technology, including software;

(2) manage the National Library of Education described in subsection (e), and other sources of digital information on education research; and

(3) make such information accessible in a user-friendly, timely, and efficient manner (including through use of a searchable Internet web-based online database) to schools, educators, parents, administrators, policymakers, researchers, public and private entities, entities responsible for carrying out technical assistance through the Department, and the general public.

(c) ADDITIONAL DUTIES.—In carrying out subsection (b), the Office of Educational Resources and Dissemination shall—

(1) ensure that information disseminated under this section is provided in a cost-effective, nonduplicative manner, including the most current research findings, which may include through the continuation of individual clearinghouses authorized under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act; 20 U.S.C. 6001 et seq.) (as such Act existed on the day before the date of enactment of this Act) or the clearinghouse authorized under section 2102(b) of the Elementary and Secondary Education Act of 1965 (as such section existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110));

(2) prominently describe the type of scientific evidence that is used to support the findings that are disseminated;

(3) clearly explain the scientifically appropriate and inappropriate uses of—

(A) the findings that are disseminated; and

(B) the types of evidence used to support those findings; and

(4) respond, as appropriate, to inquiries from schools, educators, parents, administrators, policymakers, researchers, public and private entities, and entities responsible for carrying out technical assistance.

(d) CONTINUATION.—The Director shall continue the existing awards of the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the

date of enactment of this Act)) for the duration of those existing awards, in accordance with the terms and agreements of such awards.

(e) NATIONAL LIBRARY OF EDUCATION.—There is established within the Office of Educational Resources and Dissemination a National Library of Education that shall be headed by an individual who is highly qualified in library science and shall collect and archive information, including products and publications developed through, or supported by, the Academy, and other relevant and useful education-related research, statistics, and evaluation and other information, projects, and publications that are consistent with scientifically valid research or the priorities and mission of the Academy and are developed by the Department, other Federal agencies, or entities (including entities supported under the Regional Educational Technical Assistance Act).

PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

SEC. 131. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Academy a National Center for Education Research (in this part referred to as the ''Research Center'').

(b) MISSION.—The mission of the Research Center is—

(1) to sponsor sustained research that will lead to the accumulation of knowledge and understanding of education, particularly to improve student academic achievement and close the achievement gap between high-performing and low-performing students, including through the improvement of teaching and learning of reading, writing, mathematics, science, and other academic subjects;

(2) to support the synthesis and, as appropriate, the integration of education research;

(3) to promote quality and integrity through the use of accepted practices of scientific inquiry to obtain knowledge and understanding of the validity of education theories, practices, or conditions; and

(4) to promote scientifically valid research findings that can provide the basis for improving academic instruction and lifelong learning.

SEC. 132. COMMISSIONER FOR EDUCATION RESEARCH.

The Research Center shall be headed by a Commissioner for Education Research (in this part referred to as the ''Research Commissioner'') who shall have substantial knowledge of the activities of the Research Center, including a high level of expertise in the fields of research and research management.

SEC. 133. DUTIES.

(a) GENERAL DUTIES.—The Research Center shall—

(1) maintain published peer-review standards and standards for the conduct and evaluation of all research and development carried out under the auspices of the Research Center in accordance with this part;

(2) propose to the Director a research plan that—

(A) is consistent with the priorities and mission of the Academy and the mission of the Research Center and includes the activities described in paragraph (3); and

(B) shall be carried out pursuant to paragraph (4) and, as appropriate, be updated and modified;

(3) carry out specific, long-term research activities that are consistent with the priorities and mission of the Academy, and are approved by the Director;

(4) implement the plan proposed under paragraph (2) to carry out scientifically valid research that—

(A) uses objective and measurable indicators, including timelines, that are used to assess the progress and results of such research;

(B) meets the procedures for peer review established by the Director under section 115(f)(5) and the standards of research described in section 135; and

(C) includes both basic research and applied research, which shall include research conducted through field-initiated studies and may include ongoing research initiatives;

(5) promote the use of scientifically valid research within the Federal Government, including active participation in interagency research initiatives;

(6) ensure that research conducted by the Research Center is relevant to education practice and policy;

(7) synthesize and disseminate, through the Office of Educational Resources and Dissemination, the findings and results of education research conducted or supported by the Research Center;

(8) prepare and submit to the Director for approval a biennial report, as described in section 134, which shall be made available to the public through such means as the Internet; and

(9) carry out research on successful State and local education reform activities that result in increased academic achievement and narrowing of achievement gaps, as approved by the Director.

(b) ELIGIBILITY.—Research carried out under subsection (a) through contracts, grants, or cooperative agreements shall be carried out only by recipients with the ability and capacity to conduct scientifically valid research.

(c) NATIONAL RESEARCH AND DEVELOPMENT CENTERS.—

(1) SUPPORT.—In carrying out activities under subsection (a)(3), the Director, acting through the Research Commissioner, shall support national research and development centers.

(2) SCOPE.—Support for a national research and development center shall be for a period of not more than 5 years, shall be of sufficient size and scope to be effective, and notwithstanding section 135(b), may be renewed without competition for not more than 5 additional years if the Director, in consultation with the Research Commissioner and the Board, determines that the research of the national research and development center—

(A) continues to address priorities of the Academy; and

(B) merits renewal (applying the procedures and standards established in section 135).

(3) LIMIT.—No national research and development center may be supported under this subsection for a period of more than 10 years without competition.

(4) CONTINUATION OF AWARDS.—The Director, acting through the Research Commissioner, shall continue awards made to the national research and development centers in effect on the day before the date of enactment of this Act in accordance with the terms of those awards and may renew them in accordance with paragraphs (2) and (3).

SEC. 134. BIENNIAL REPORT.

The Director shall, on a biennial basis, transmit to the President, the Board, and the appropriate congressional committees and make widely available to the public (including by means of the Internet), a report containing the following:

(1) A description of the activities carried out by and through the Research Center during the prior fiscal year.

(2) A detailed summary of each grant, contract, and cooperative agreement in excess of $100,000 funded during the prior fiscal year, including, at a minimum, the amount, duration, recipient, purpose, and goal of the award and its relationship to the priorities and mission of the Academy, and the reports and publications produced, which shall be available in a user-friendly electronic database.

(3) A description of how the activities of the Research Center are consistent with the principles of scientifically valid research and the priorities and mission of the Academy.

(4) Such additional comments, recommendations, and materials as the Director considers appropriate.

SEC. 135. STANDARDS FOR CONDUCT AND EVALUATION OF RESEARCH.

(a) IN GENERAL.—In carrying out this part, the Director, acting through the Research Commissioner, shall—

(1) ensure that all research conducted under the direction of the Research Center follows scientifically based research standards;

(2) develop such other standards as may be necessary to govern the conduct and evaluation of all research, development, and dissemination activities carried out by the Research Center to assure that such activities meet the highest standards of professional excellence;

(3) review the procedures utilized by the National Institutes of Health, the National Science Foundation, and other Federal departments or agencies engaged in research and development and actively solicit recommendations from research organizations and members of the general public in the development of the standards described in paragraph (2); and

(4) ensure that all research complies with Federal guidelines relating to research misconduct.

(b) RESEARCH AWARDS.—

(1) IN GENERAL.—Research carried out under this part through grants, contracts, or cooperative agreements, at a minimum, shall—

(A) be awarded through a process of open competition; and

(B) be subject to a system of peer review of highly qualified individuals with an in-depth knowledge of the subject to be investigated—

(i) for reviewing and evaluating all applications for grants and cooperative agreements and bids for contracts that exceed $100,000; and

(ii) for evaluating and assessing the performance of all recipients of grants, cooperative agreements, and contracts.

(2) EVALUATION.—The Director, acting through the Research Commissioner, shall—

(A) develop the procedures to be used in evaluating applications for research grants, cooperative agreements, and contracts and specify the criteria and factors which shall be considered in making such evaluations; and

(B) evaluate the performance of each recipient of an award of a research grant, contract, or cooperative agreement at the conclusion of the award.

(c) LONG-TERM RESEARCH.—The Director, acting through the Research Commissioner, shall assure that not less than 50 percent of the funds made available for research for each fiscal year shall be used to fund long-term research programs of not less than 5 years, which support the priorities and mission of the Academy and the mission of the Research Center.

PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

SEC. 151. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Academy a National Center for Education Statistics (in this part referred to as the ''Statistics Center'').

(b) MISSION.—The mission of the Statistics Center shall be—

(1) to collect and analyze education information and statistics in a manner that meets the highest methodological standards;

(2) to report education information and statistics in a timely manner; and

(3) to collect, analyze, and report education information and statistics in a manner that—

(A) is objective, secular, neutral, and nonideological and is free of partisan political influence and racial, cultural, gender, or regional bias; and

(B) is relevant and useful to practitioners, researchers, policymakers, and the public.

SEC. 152. COMMISSIONER FOR EDUCATION STATISTICS.

The Statistics Center shall be headed by a Commissioner for Education Statistics (in this part referred to as the ''Statistics Commissioner'') who shall have substantial knowledge of statistical methodologies and activities undertaken by the Statistics Center.

SEC. 153. DUTIES.

(a) GENERAL DUTIES.—The Statistics Center shall collect, report, analyze, and disseminate statistical data related to education in the United States and in other nations, including—

(1) collecting, acquiring, compiling (where appropriate, on a State-by-State basis), and disseminating full and complete statistics on the condition and progress of education, at the preschool, elementary, secondary, postsecondary, and adult levels in the United States, including data on—

(A) student achievement in, at a minimum, the core academic areas of reading, mathematics, and science at all levels of education;

(B) secondary school completions, dropouts, and adult literacy and reading skills;

(C) educational access to, and opportunity for, postsecondary education, including data on financial aid to postsecondary students;

(D) teaching, including—

(i) data on in-service professional development, including a comparison of courses taken in the core academic areas of reading, mathematics, and science with courses in noncore academic areas; and

(ii) the percentage of teachers who are highly qualified (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) in each State and, where feasible, in each local educational agency and school;

(E) instruction, the conditions of the education workplace, and the supply of, and demand for, teachers;

(F) the incidence, frequency, seriousness, and nature of violence affecting students, school personnel, and other individuals participating in school activities, as well as other indices of school safety, including information regarding—

(i) the relationship between victims and perpetrators;

(ii) demographic characteristics of the victims and perpetrators; and

(iii) the type of weapons used in incidents, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation;

(G) the financing and management of education, including data on revenues and expenditures;

(H) the social and economic status of children, including their academic achievement;

(I) the existence and use of educational technology and access to the Internet in elementary schools and secondary schools;

(J) educational access to, and opportunity for, early childhood education; and

(K) the availability of, and access to, before-school and after-school programs (including such programs during school recesses);

(2) conducting and publishing reports on the meaning and significance of the statistics described in paragraph (1);

(3) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, information by gender, race, ethnicity, socioeconomic status, limited English proficiency, mobility, and disability, when such disaggregated information would facilitate educational and policy decisionmaking;

(4) assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities, which may include assisting State educational agencies and local educational agencies with the disaggregation of data;

(5) acquiring and disseminating data on educational activities and student achievement (such as the Third International Math and Science Study) in the United States compared with foreign nations; and

(6) conducting longitudinal and special data collections necessary to report on the condition and progress of education.

(b) TRAINING PROGRAM.—The Director, acting through the Statistics Commissioner, may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of standard statistical procedures and concepts and may establish a fellowship program to appoint such employees as temporary fellows at the Statistics Center in order to assist the Statistics Center in carrying out its duties.

SEC. 154. PERFORMANCE OF DUTIES.

(a) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—In carrying out the duties under this part, the Director, acting through the Statistics Commissioner, may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

(b) GATHERING INFORMATION.—

(1) SAMPLING.—The Statistics Commissioner may use the statistical method known as sampling (including random sampling) to carry out this part.

(2) SOURCE OF INFORMATION.—The Statistics Commissioner may, as appropriate, use information collected—

(A) from States, local educational agencies, public and private schools, preschools, institutions of postsecondary education, vocational and adult education programs, libraries, administrators, teachers, students, the general public, and other individuals, organizations, agencies, and institutions (including information collected by States and local educational agencies for their own use); and

(B) by other offices within the Academy and by other Federal departments, agencies, and instrumentalities.

(3) COLLECTION.—The Director, acting through the Statistics Commissioner, may—

(A) enter into interagency agreements for the collection of statistics;

(B) arrange with any agency, organization, or institution for the collection of statistics; and

(C) assign employees of the Statistics Center to any such agency, organization, or institution to assist in such collection.

(4) TECHNICAL ASSISTANCE AND COORDINATION.—In order to maximize the effectiveness of Department efforts to serve the educational needs of children and youth, the Statistics Commissioner shall—

(A) provide technical assistance to the Department offices that gather data for statistical purposes; and

(B) coordinate with other Department offices in the collection of data.

SEC. 155. REPORTS.

(a) PROCEDURES FOR ISSUANCE OF REPORTS.—The Director, acting through the Statistics Commissioner, shall establish procedures, in accordance with section 187, to ensure that the reports issued under this section are relevant, of high quality, useful to customers, subject to rigorous peer review, produced in a timely fashion, and free from any partisan political influence.

(b) REPORT ON CONDITION AND PROGRESS OF EDUCATION.—Not later than June 1, 2002, and each succeeding June 1 thereafter, the Director, acting through the Statistics Commissioner, shall submit to the President and the appropriate congressional committees a statistical report on the condition and progress of education in the United States.

(c) STATISTICAL REPORTS.—The Director, acting through the Statistics Commissioner, shall issue regular and, as necessary, special statistical reports on education topics, particularly in the core academic areas of reading, mathematics, and science, consistent with the priorities and mission of the Academy and the mission of the Statistics Center.

SEC. 156. DISSEMINATION.

(a) GENERAL REQUESTS.—

(1) IN GENERAL.—The Statistics Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

(2) COMPILATIONS.—The Statistics Center shall provide State and local educational agencies opportunities to suggest the development of particular compilations of statistics, surveys, and analyses that would assist those educational agencies.

(b) CONGRESSIONAL REQUESTS.—The Statistics Center shall furnish such special statistical compilations and surveys as the relevant congressional committees may request.

(c) JOINT STATISTICAL PROJECTS.—The Statistics Center may engage in joint statistical projects related to the mission of the Center, or other statistical purposes authorized by law, with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably.

(d) FEES.—

(1) IN GENERAL.—Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

(2) FUNDS RECEIVED.—All funds received in payment for work or services described in this subsection may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

(e) ACCESS.—

(1) OTHER AGENCIES.—The Statistics Center shall, consistent with section 184, cooperate with other Federal agencies having a need for educational data in providing access to educational data received by the Statistics Center.

(2) INTERESTED PARTIES.—The Statistics Center shall, in accordance with such terms and conditions as the Center may prescribe, provide all interested parties, including public and private agencies, parents, and other individuals, direct access, in the most appropriate form (including, where possible, electronically), to data collected by the Statistics Center for the purposes of research and acquiring statistical information.

SEC. 157. COOPERATIVE EDUCATION STATISTICS SYSTEMS.

The Statistics Center may establish one or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information

and data on early childhood education, elementary and secondary education, postsecondary education, adult education, and libraries, that are useful for policymaking at the Federal, State, and local levels.

SEC. 158. STATE DEFINED.

In this part, the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

PART D—NATIONAL CENTER FOR EDUCATION EVALUATION

SEC. 171. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Academy a National Center for Education Evaluation (in this part referred to as the ''Evaluation Center'').

(b) MISSION.—The mission of the Evaluation Center shall be to conduct evaluations of Federal education programs administered by the Secretary (and as time and resources allow, other education programs) to determine the impact of such programs (especially on student academic achievement in the core academic areas of reading, mathematics, and science), to support synthesis and dissemination of results of evaluation research, and to encourage the use of scientifically valid education evaluation throughout the United States.

SEC. 172. COMMISSIONER FOR EDUCATION EVALUATION.

(a) IN GENERAL.—The Evaluation Center shall be headed by a Commissioner for Education Evaluation (in this part referred to as the ''Evaluation Commissioner'') who—

(1) shall possess a demonstrated capacity for sustained productivity and leadership in education evaluation, and be technically competent in conducting scientifically valid education evaluations; and

(2) shall oversee all evaluation activities of the Evaluation Center, the development of evaluation methodology, the reporting of findings of evaluations to the public and appropriate congressional committees, and other duties essential to carrying out the mission of the Evaluation Center.

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—In carrying out the duties under this part, the Director, acting through the Evaluation Commissioner, may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

SEC. 173. DUTIES.

(a) GENERAL DUTIES.—

(1) IN GENERAL.—The Evaluation Center shall—

(A) conduct or support evaluations consistent with the Evaluation Center's mission as described in section 171(b);

(B) evaluate programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(C) coordinate the activities of the Evaluation Center with other evaluation activities in the Department; and

(D) review and, where feasible, supplement Federal education program evaluations, particularly those by the Department, to determine or enhance the quality and relevance of the evidence generated by those evaluations.

(2) ADDITIONAL REQUIREMENTS.—Each evaluation conducted by the Evaluation Center pursuant to paragraph (1) shall adhere to the highest possible standards of quality for conducting scientifically valid education evaluation.

(3) REPORT.—The Director, acting through the Evaluation Commissioner, shall submit to the President and the appropriate congressional committees a report on the Evaluation Center's evaluation activities on a biennial basis.

(b) ADMINISTRATION OF EVALUATIONS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Director, acting through the Evaluation Commissioner, consistent with the mission of the Evaluation Center under section 171(b), shall administer all operations and contracts associated with evaluations authorized by part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.) and administered by the Department as of the date of enactment of this Act.

PART E—GENERAL PROVISIONS

SEC. 181. DEFINITIONS.

In this title:

(1) The terms ''elementary school'', ''secondary school'', ''local educational agency'', and ''State educational agency'' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and the terms ''freely associated states'' and ''outlying area'' have the meanings given those terms in section 1121(c) of such Act (20 U.S.C. 6331(c)).

(2) The term ''Academy'' means the Academy of Education Sciences established under section 111.

(3) The term ''applied research'' means research—

(A) to gain knowledge or understanding necessary for determining the means by which a recognized and specific need may be met; and

(B) that is specifically directed to the advancement of practice in the field of education.

(4) The term ''basic research'' means research—

(A) to gain fundamental knowledge or understanding of phenomena and observable facts, without specific application toward processes or products; and

(B) for the advancement of knowledge in the field of education.

(5) The term ''Board'' means the National Board for Education Sciences established under section 117.

(6) The term ''Department'' means the Department of Education.

(7) The term ''development'' means the systematic use of knowledge or understanding gained from the findings of scientifically valid research that may prove useful in areas (such as the preparation of materials and new methods of instruction and practices in teaching), that may lead to the improvement of the academic skills of students, and that are replicable in different educational settings.

(8) The term ''Director'' means the Director of the Academy of Education Sciences.

(9) The term ''dissemination'' means the communication and transfer of the results of scientifically valid research, statistics, and evaluations, in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, policymakers, and the public, through the provision of technical assistance, electronic transfer, and other means.

(10) The term ''field-initiated research'' means basic research or applied research in which specific questions and methods of study are generated by investigators (including teachers and other practitioners) and that conforms to standards of scientifically valid research.

(11) The term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(12) The term ''national research and development center'' means a research and development center under section 931(c)(1)(B) of the Education Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6031(c)(1)(B)) (as such provision existed on the day before the date of enactment of this Act).

(13)(A) The term ''scientifically based research standards'' means research standards that—

(i) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs; and

(ii) present findings and make claims that are appropriate to and supported by the methods that have been employed.

(B) The term includes, appropriate to the research being conducted—

(i) employing systematic, empirical methods that draw on observation or experiment;

(ii) involving data analyses that are adequate to support the general findings;

(iii) relying on measurements or observational methods that provide reliable data;

(iv) making claims of causal relationships only in random assignment experiments or other designs (to the extent such designs substantially eliminate plausible competing explanations for the obtained results);

(v) ensuring that studies and methods are presented in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

(vi) obtaining acceptance by a peer-reviewed journal or approval by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

(vii) using research designs and methods appropriate to the research question posed.

(14) The term ''scientifically valid education evaluation'' means an evaluation that—

(A) adheres to the highest possible standards of quality with respect to research design and statistical analysis;

(B) provides an adequate description of the programs evaluated and, to the extent possible, examines the relationship between program implementation and program impacts;

(C) provides an analysis of the results achieved by the program with respect to its projected effects;

(D) employs experimental designs using random assignment, when feasible, and other research methodologies that allow for the strongest possible causal inferences when random assignment is not feasible; and

(E) may study program implementation through a combination of scientifically valid and reliable methods.

(15) The term ''scientifically valid research'' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with scientifically based research standards.

(16) The term ''Secretary'' means the Secretary of Education.

(17) The term ''State'' includes (except as provided in section 158 and in the National Assessment of Educational Progress Authorization Act) each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the freely associated states, and the outlying areas.

(18) The term ''technical assistance'' means—

(A) assistance in identifying, selecting, or designing solutions (including professional development and training to implement such solutions) leading to—

(i) improved educational practices and classroom instruction based on scientifically valid research; and

(ii) improved planning, design, and administration of programs;

(B) assistance in interpreting, analyzing, and utilizing statistics and evaluations; and

(C) other assistance necessary to encourage the adoption or application of scientifically valid research.

SEC. 182. INTERAGENCY DATA SOURCES AND FORMATS.

The Secretary, in consultation with the Director, shall ensure that the Department and the Academy use common sources of data in standardized formats.

SEC. 183. PROHIBITIONS.

(a) NATIONAL DATABASE.—Nothing in this title may be construed to authorize the development of a nationwide database of individually identifiable information on individuals involved in studies or other collections of data under this title.

(b) FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.—Nothing in this title may be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control the curriculum, program of instruction, or allocation of State or local resources of a State, local educational agency, or school, or to mandate a State, or any subdivision thereof, to spend any funds or incur any costs not provided for under this title.

(c) ENDORSEMENT OF CURRICULUM.—Notwithstanding any other provision of Federal law, no funds provided under this title to the Academy, including any office, board, committee, or center of the Academy, may be used by the Academy to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

(d) FEDERALLY SPONSORED TESTING.—

(1) IN GENERAL.—Subject to paragraph (2), no funds provided under this title to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(2) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(5) of this title or section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6)) (as such section existed on the day before the date of enactment of this Act) and administered to only a representative sample of pupils in the United States and in foreign nations.

SEC. 184. CONFIDENTIALITY.

(a) IN GENERAL.—All collection, maintenance, use, and dissemination of data by the Academy, including each office, board, committee, and center of the Academy, shall conform with the requirements of section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(b) STUDENT INFORMATION.—The Director shall ensure that all individually identifiable information about students, their academic achievements, and their families, and information with respect to individual schools, remains confidential in accordance with section 552a of title 5, United States Code, subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

SEC. 185. AVAILABILITY OF DATA.

Subject to section 184, data collected by the Academy, including any office, board, committee, or center of the Academy, in carrying out the priorities and mission of the Academy, shall be made available to the public, including through use of the Internet.

SEC. 186. PERFORMANCE MANAGEMENT.

The Director shall ensure that all activities conducted or supported by the Academy or a National Education Center make customer service a priority. The Director shall ensure a high level of customer satisfaction through the following methods:

(1) Establishing and improving feedback mechanisms in order to anticipate customer needs.

(2) Disseminating information in a timely fashion and in formats that are easily accessible and usable by researchers, practitioners, and the general public.

(3) Utilizing the most modern technology and other methods available, including arrangements to use data collected electronically by States and local educational agencies, to ensure the efficient collection and timely distribution of information, including data and reports.

(4) Establishing and measuring performance against a set of indicators for the quality of data collected, analyzed, and reported.

(5) Continuously improving management strategies and practices.

(6) Making information available to the public in an expeditious fashion.

SEC. 187. AUTHORITY TO PUBLISH.

(a) PUBLICATION.—The Director may prepare and publish (including through oral presentation) such research, statistics, and evaluation information and reports from any office, board, committee, and center of the Academy as needed to carry out the priorities and mission of the Academy.

(b) PEER REVIEW.—All research, statistics, and evaluation reports conducted by, or supported through, the Academy shall be subjected to rigorous peer review before being published or otherwise made available to the public.

(c) ADVANCE COPIES.—The Director shall provide the Secretary an advance copy of any information to be published under this section at least 30 days before publication.

(d) ITEMS NOT COVERED.—Nothing in subsection (a) or (b) shall be construed to apply to—

(1) information on current or proposed budgets, appropriations, or legislation;

(2) information prohibited from disclosure by law or the Constitution, classified national security information, or information described in section 552(b) of title 5, United States Code; and

(3) review by officers of the United States in order to prevent the unauthorized disclosure of information described in paragraph (1) or (2).

SEC. 188. VACANCIES.

Any member appointed to fill a vacancy on the Board occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A vacancy in an office, board, committee, or center of the Academy shall be filled in the manner in which the original appointment was made. This section does not apply to employees appointed under section 189.

SEC. 189. SCIENTIFIC OR TECHNICAL EMPLOYEES.

(a) APPOINTMENT AND PAY.—The Director may appoint for limited periods of time and fix the pay of certain scientific or technical employees to carry out the functions of the Academy or the office, board, committee, or center, respectively, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, provided that—

(1) at least 30 days before the appointment of any employee under this subsection, the Director shall give public notice of the availability of such position and shall provide an opportunity for qualified individuals to apply and compete for the position; and

(2) the Director may not appoint an employee under this subsection unless the employee is necessary to provide the Academy with scientific or technical expertise that could not otherwise be obtained by the Academy through the competitive service and such necessity can be justified in a clear and convincing fashion.

(b) MAXIMUM NUMBER.—Employees appointed under this section and employed at the Academy at any particular time shall not exceed the greater of 20 percent of the total employees of the Academy or a total of 60 individuals.

(c) MAXIMUM PAY RATE.—An employee appointed under this section may not be paid at a rate that exceeds the rate of basic pay for level V of the Executive Schedule, except that not more than 10 individuals appointed under this section may be paid at a rate that does not exceed the rate of basic pay for level IV of the Executive Schedule.

(d) DURATION.—An employee appointed under this section may not serve longer than 6 years.

SEC. 190. VOLUNTARY SERVICE.

The Secretary, acting through the Director, may accept voluntary and uncompensated services to carry out and support activities that are consistent with the priorities and mission of the Academy.

SEC. 191. FELLOWSHIPS.

In order to strengthen the national capacity to carry out high-quality research, evaluation, and statistics related to education, the Director shall establish and maintain research, evaluation, and statistics fellowships in the Academy and institutions of higher education (which may include the establishment of such fellowships in historically Black colleges and universities and other institutions of higher education with large numbers of minority students) that support graduate and postdoctoral study, particularly for women and minorities, with such stipends and allowances (including travel and subsistence expenses) as the Director may determine necessary to obtain the assistance of highly qualified research, evaluation, and statistics fellows.

SEC. 192. RULEMAKING.

Notwithstanding section 437(d) of the General Education Provisions Act (20 U.S.C. 1232(d)), the exemption for public property, loans, grants, and benefits in section 553(a)(2) of title 5, United States Code, shall apply to the Academy.

SEC. 193. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to administer and carry out this title $400,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

(1) no less than the amount provided to the National Center for Education Statistics (as such Center was in existence on the day before the date of enactment of this Act) for fiscal year 2002 shall be provided to the National Center for Education Statistics, as authorized under part C; and

(2) the lesser of 2 percent of such funds or $1,000,000 shall be made available to carry out section 117 (relating to the National Board for Education Sciences).

(b) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

TITLE II—REGIONAL EDUCATIONAL APPLIED RESEARCH AND TECHNICAL ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Regional Assistance Act of 2002''.

SEC. 202. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. 201. Short title.
Sec. 202. Table of contents.

Sec. 203. Regional educational applied research and technical assistance entities.
Sec. 204. Regional advisory committees.
Sec. 205. Priorities and evaluations.
Sec. 206. Authorization of appropriations.
Sec. 207. General provisions.

SEC. 203. REGIONAL EDUCATIONAL APPLIED RESEARCH AND TECHNICAL ASSISTANCE ENTITIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall support, through competitive contracts, a system of regional educational applied research and technical assistance entities (in this title referred to as ''regional entities'') to provide applied research, dissemination, training, technical assistance, and development activities related to the administration and implementation of Federal education programs and other regional education needs to States, local educational agencies, schools, Indian tribes, community-based organizations, and other appropriate entities.

(2) REGIONS.—In establishing geographical regions to be served by the regional entities, the Secretary shall serve the same geographical regions as served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act).

(3) ALLOCATION.—From the funds appropriated under section 206, the Secretary shall allocate for each region for each fiscal year an amount of funds that is comparable in proportion to the amount of funds awarded to serve the needs of that region under prior regional assistance programs under section 3141 and parts A and C of title XIII of the Elementary and Secondary Education Act of 1965 (as such provisions existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)) and section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act).

(b) ACTIVITIES OF THE REGIONAL ENTITIES.—

(1) REGIONAL SUPPORT ACTIVITIES.—The system of regional entities, established under subsection (a)(1), shall support applied research, development, dissemination, and technical assistance activities by—

(A) providing training and technical assistance regarding, at a minimum—

(i) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(ii) scientifically valid research in education on teaching methods and assessment tools for use by teachers and administrators in, at a minimum—

(I) the core academic areas of mathematics, science, and reading; and

(II) education technology; and

(iii) the facilitation of communication between education experts, school officials, teachers, parents, and librarians, as appropriate;

(B) disseminating and providing scientifically valid research, information, reports, and publications that are usable for improving academic achievement, narrowing achievement gaps, and encouraging and sustaining school improvement, to—

(i) schools, educators, parents, and policymakers within the applicable region in which the entity is located; and

(ii) the Office of Educational Resources and Dissemination;

(C) carrying out applied research projects that are designed to serve the particular educational needs of the region, that reflect findings from scientifically valid research, and that result in user-friendly, replicable classroom applications geared toward promoting increased student achievement; and

(D) supporting development activities and contributing to the current base of education knowledge by addressing enduring problems in elementary and secondary education.

(2) COORDINATION AND COLLABORATION.—Each regional entity shall coordinate its activities, collaborate, and regularly exchange information with the Secretary, the Director of the Academy of Education Sciences, the Office of Educational Resources and Dissemination of the Academy, and other appropriate entities (including educational service agencies, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

(3) ALLOCATION OF RESOURCES.—Each regional entity shall direct its resources under this title to, and within, each State in a manner that reflects the need for assistance, taking into account factors such as the proportion of economically disadvantaged students and the cost burden in areas of sparse populations, and giving priority to—

(A) schools with high percentages or numbers of students from low-income families, as determined under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)), including such schools in rural and urban areas, and schools participating in schoolwide programs under title I of that Act (20 U.S.C. 6301 et seq.);

(B) local educational agencies in which high percentages or numbers of school-age children are from low-income families, as determined under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)), including such local educational agencies in rural and urban areas; and

(C) schools that have been identified for school improvement under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).

(4) REPORT TO SECRETARY.—Each regional entity shall submit to the Secretary an annual report, at such time, in such manner, and containing such information as the Secretary may require, which shall include the following:

(i) The information described in paragraph (5)(E).

(ii) A summary of the entity's activities during the preceding year.

(iii) A listing of the States, local educational agencies, and schools the entity assisted during the preceding year.

(5) REGIONAL CONTRACT BOARDS.—

(A) ESTABLISHMENT.—Not later than 120 days after entering into a contract under this section, a regional entity shall establish a regional contract board.

(B) COMPOSITION.—

(i) IN GENERAL.—The regional contract board shall be composed of—

(I) the chief State school officers (or other State officials in each State served by the regional entity who have primary responsibility under State law for elementary and secondary education in the State), or their designees, in the region served by the regional entity; and

(II) not more than 15 other members who are representative of the educational interests in the region served by the regional entity and are selected jointly by the officials specified in subclause (I) and the Governors of each State within the region, including the following:

(aa) Representatives of local educational agencies, including representatives of local educational agencies serving urban and rural areas.

(bb) Representatives of institutions of higher education.

(cc) Parents.

(dd) Practicing educators, including classroom teachers, principals, and administrators.

(ee) Representatives of business.

(ff) Policymakers, expert practitioners, and researchers with knowledge of, and experience using, the results of research, evaluation, and statistics.

(ii) SPECIAL RULE.—In the case of a State in which the Governor has the primary responsibility under State law for elementary and secondary education in the State, the Governor shall consult with the State educational agency in selecting additional members of the regional contract board under clause (i)(II).

(C) DUTIES.—The regional contract board shall—

(i) oversee, guide, and direct the regional entity's performance of its contract awarded under this section, subject to the Secretary's ultimate authority to enforce the contract;

(ii) ensure that the activities of the regional entity under this section monitor and address the educational needs of the region, on an ongoing basis;

(iii) ensure that the regional entity attains and maintains a high standard of quality in the performance of its activities, consistent with the standards established under section 205(b); and

(iv) ensure that the regional entity carries out its duties in a manner that promotes progress toward reforming schools and educational systems.

(D) ACCEPTANCE OF OTHER ASSISTANCE.—Each regional contract board may accept gifts, in-kind contributions, services, or other assistance to facilitate its activities.

(E) BOARD REPORT.—The regional contract board shall submit to the regional entity, for inclusion in the entity's annual report under paragraph (4), the following:

(i) A summary of the board's activities during the preceding year.

(ii) A description of how well the regional entity is meeting the educational needs of the region.

(iii) Any other information the Secretary may require.

(c) APPLICATION.—

(1) SUBMISSION.—Each regional entity seeking a contract under this section shall submit an application at such time, in such manner, and containing such additional information as the Secretary may reasonably require.

(2) PLAN.—Each application submitted under paragraph (1) shall contain a 5-year plan for carrying out the activities described in subsection (b) in a manner that addresses the priorities established under section 205(a) and addresses the needs of all States (and to the extent practicable, of local educational agencies) within the region, on an ongoing basis.

(3) ELIGIBLE APPLICANTS.—Contracts under this section may be made with private or public, for-profit or nonprofit research organizations, institutions, agencies, institutions of higher education, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in subsection (b), which may include regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)).

(4) OUTREACH.—In conducting competitions for contracts under this section, the Secretary shall—

(A) actively encourage potential applicants to compete for such awards by making widely available information and technical assistance relating to the competition; and

(B) seek input from Governors, chief State school officers, educators, and parents regarding the need for applied research, dissemination, training, technical assistance, and development activities authorized by this title in the regions to be served and how those educational needs would be addressed most effectively.

(5) OBJECTIVES AND INDICATORS.—Before entering into a contract under this section, the Secretary shall design specific objectives and measurable indicators, using the results of the survey conducted under section 204(d), to be used to assess the particular programs or initiatives, and ongoing progress and performance, of the regional entities, in order to ensure that the educational needs of the region are being met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

(d) AUTHORITY.—

(1) IN GENERAL.—To carry out the activities described in subsection (b), the Secretary shall—

(A)(i) enter into contracts for a 5-year period with at least two regional entities for each region described in subsection (a)(2), of which at least one shall be a nonprofit entity;

(ii) ensure that the primary duties of at least one regional entity shall include activities described in subsection (b)(1)(A); and

(iii) ensure that the primary duties of at least one regional entity shall include activities described in subsections (b)(1)(C) and (b)(1)(D); and

(B) ensure that the regional entities have strong and effective governance, organization, management, and administration, and employ qualified staff.

(2) COORDINATION.—In order to ensure coordination and prevent unnecessary duplication of activities among the regions, the Secretary shall—

(A) share information about the activities of each regional entity with each other regional entity and with the Department, including the Director of the Academy of Education Sciences and the National Board for Education Sciences;

(B) create a strategic plan for ensuring that each regional entity increases collaboration and resource-sharing in such activities;

(C) where appropriate, ensure that the activities of each regional entity also serve national interests; and

(D) ensure that each of the regional entities funded under this title coordinates its activities with the activities of the other regional entities.

(e) CONTINUATION.—In order to carry out this title and facilitate the transition to regional entities, the Secretary—

(1) shall continue the existing awards of the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act), the Eisenhower Regional Mathematics and Science Education Consortia established under part M of such Act (as such part existed on the day before the date of enactment of this Act), and the Regional Technology in Education Consortia under section 3141 of the Elementary and Secondary Education Act of 1965 (as such section existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)), for the duration of those existing awards in accordance with the terms and agreements of such awards; and

(2) may extend for no more than 2 years the awards of the Comprehensive Regional Assistance Centers established under part K of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the day before the date of enactment of this Act).

SEC. 204. REGIONAL ADVISORY COMMITTEES.

(a) ESTABLISHMENT.—The Secretary shall establish a regional advisory committee for each region described in section 203(a)(2).

(b) MEMBERSHIP.—

(1) COMPOSITION.—The membership of each regional advisory committee shall—

(A) not exceed 25 members;

(B) contain a balanced representation of States in the region; and

(C) include not more than one representative of each State educational agency geographically located in the region.

(2) ELIGIBILITY.—The membership of each regional advisory committee may include the following:

(A) Representatives of local educational agencies, including rural and urban local educational agencies.

(B) Representatives of institutions of higher education, including individuals representing university-based education research and university-based research on subjects other than education.

(C) Parents.

(D) Practicing educators, including classroom teachers, principals, administrators, school board members, and other local school officials.

(E) Representatives of business.

(F) Researchers.

(3) RECOMMENDATIONS.—In choosing individuals for membership on a regional advisory committee, the Secretary shall consult with, and solicit recommendations from, the Governors, chief State school officers, and education stakeholders within the applicable region.

(4) SPECIAL RULE.—The total number of members on each committee who are selected under subparagraphs (A), (C), and (D) of paragraph (2), collectively, shall exceed the total number of members who are selected under paragraph (1)(C) and subparagraphs (B), (E), and (F) of paragraph (2), collectively.

(c) DUTIES.—Each regional advisory committee shall advise the Secretary on the following:

(1) The educational needs of its region (using the results of the survey conducted under subsection (d)), in order to assist in making decisions regarding the priorities established under section 205(a) and the priorities established under section 116 of the Education Sciences Reform Act of 2002.

(2) The quality of the applications submitted under section 203(c).

(3) The quality of the regional entity's performance of its contract.

(d) REGIONAL SURVEYS.—Each regional advisory committee shall—

(1) conduct a survey of the educational needs, strengths, and weaknesses within the region to be served;

(2) in conducting the survey under paragraph (1), seek input from Governors, chief State school officers, educators, and parents (including through a process of open hearings to solicit the views and needs of schools (including public charter schools), teachers, administrators, parents, local educational agencies, librarians, businesses, State educational agencies, and other customers (such as adult education programs) within the region) regarding the need for the activities described in section 203(b)(1) and how those needs would be most effectively addressed; and

(3) submit the survey to the Secretary and to the Director of the Academy of Education Sciences, at such time, in such manner, and containing such information as the Secretary may require.

SEC. 205. PRIORITIES AND EVALUATIONS.

(a) PRIORITIES.—The Secretary may establish priorities for the regional entities to address. The priorities shall directly correspond with the educational needs of the region, using the regional survey conducted under section 204(d).

(b) STANDARDS.—The Secretary shall establish standards, consistent with those established under section 135(a) of the Education Sciences Reform Act of 2001, for the conduct of research and development and the dissemination of scientifically based research by the regional entities.

(c) EVALUATIONS.—The Secretary shall provide for ongoing independent evaluations of the regional entities receiving contracts under this title, the results of which shall be transmitted to the appropriate congressional committees and the Director of the Academy of Education Sciences. Such evaluations shall include an analysis of the services provided under this title, the extent to which each of the regional entities meets the objectives of its respective plan (as submitted in its application under section 203(c)(2)), and whether such services meet the educational needs of State educational agencies and local educational agencies and schools in the region.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $189,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) LIMITATION.—Not more than 5 percent of the funds appropriated under subsection (a) for a fiscal year may be used to establish and administer the regional advisory committees required under section 204 and to conduct the evaluations required under section 205(c).

SEC. 207. GENERAL PROVISIONS.

Part E of the Education Sciences Reform Act of 2002 applies to this title, as appropriate, except that any duty of the Director of the Academy of Education Sciences under that part shall be a duty of Secretary under this title.

TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

SEC. 301. SHORT TITLE.

This title may be referred to as the ''National Assessment of Educational Progress Authorization Act''.

SEC. 302. DEFINITIONS.

In this title:

(1) The term ''Director'' means the Director of the Academy of Education Sciences.

(2) The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) for fiscal year 2003—

(A) $4,600,000 to carry out section 302 (relating to the National Assessment Governing Board); and

(B) $107,500,000 to carry out section 303 (relating to the National Assessment of Educational Progress); and

(2) such sums as may be necessary for each of the 5 succeeding fiscal years to carry out sections 302 and 303.

(b) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

TITLE IV—AMENDATORY PROVISIONS

SEC. 401. REDESIGNATIONS.

(a) CONFIDENTIALITY.—Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007) is amended—

(1) by striking ''center'', ''Center'', and ''Commissioner'' each place any such term appears and inserting ''Director'';

(2) in subsection (a)(2)(A), by striking ''statistical purpose'' and inserting ''research, statistics, or evaluation purpose under this title'';

(3) so that paragraph (1) of subsection (b) reads as follows:

''(1) IN GENERAL.—

''(A) DISCLOSURE.—No Federal department, bureau, agency, officer, or employee and no recipient of a Federal grant, contract, or cooperative agreement may, for any reason, require the Director, any Commissioner of a National Education Center, or any other employee of the Academy to disclose individually identifiable information that has been collected or retained under this title.

''(B) IMMUNITY.—Individually identifiable information collected or retained under this title shall be immune from legal process and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

''(C) APPLICATION.—This paragraph does not apply to requests for individually identifiable information submitted by or on behalf of the individual identified in the information.'';

(4) in paragraphs (2) and (6) of subsection (b), by striking ''subsection (a)(2)'' each place such term appears and inserting ''subsection (c)(2)'';

(5) in paragraphs (3) and (7) of subsection (b), by striking ''Center's'' each place such term appears and inserting ''Director's''; and

(6) by striking the section heading and transferring all the subsections (including subsections (a) through (c)) and redesignating such subsections as subsections (c) through (e), respectively, at the end of section 184 of this Act.

(b) CONFORMING AMENDMENT.—Sections 302 and 303 of this Act are redesignated as sections 304 and 305, respectively.

(c) NATIONAL ASSESSMENT GOVERNING BOARD.—Section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011) is amended—

(1) in subsection (a), by striking ''referred to as the 'Board' '' and inserting ''referred to as the 'Assessment Board' '';

(2) by striking ''Board'' each place such term appears (other than in subsection (a)) and inserting ''Assessment Board'';

(3) by striking ''Commissioner'' each place such term appears and inserting ''Commissioner for Education Statistics'';

(4) in subsection (a) by inserting ''(carried out under section 303)'' after ''for the National Assessment'';

(5) in subsection (b)(2)—

(A) by striking ''ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH'' in the heading and inserting ''DIRECTOR OF THE ACADEMY OF EDUCATION SCIENCES''; and

(B) by striking ''Assistant Secretary for Educational Research and Improvement'' and inserting ''Director of the Academy of Education Sciences'';

(6) in subsection (e)(1)(A), by striking ''section 411(b)'' and inserting ''section 303(b)'';

(7) in subsection (e)(1)(B), by striking ''section 411(e)'' and inserting ''section 303(e)'';

(8) in subsection (e)(1)(E), by striking '', including the Advisory Council established under section 407'';

(9) in subsections (e)(1)(F) and (e)(1)(I), by striking ''section 411'' each place such term appears and inserting ''section 303'';

(10) in subsection (e)(5), by striking ''and the Advisory Council on Education Statistics'';

(11) in subsection (e)(6), by striking ''section 411(e)'' and inserting ''section 303(e)''; and

(12) by transferring and redesignating the section as section 302 (following section 301) of title III of this Act.

(d) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—Section 411 of the National Education Statistics Act of 1994 (20 U.S.C. 9010) is amended—

(1) by striking ''Commissioner'' each place such term appears and inserting ''Commissioner for Education Statistics'';

(2) by striking ''National Assessment Governing Board'' and ''National Board'' each place either such term appears and inserting ''Assessment Board'';

(3) in subsection (a)—

(A) by striking ''section 412'' and inserting ''section 302'';

(B) by striking ''and with the technical assistance of the Advisory Council established under section 407,''; and

(C) by inserting ''(awarded by the Director, acting through the Commissioner for Education Statistics)'' after ''cooperative agreements'';

(4) in subsection (b)(1), by inserting ''of'' after ''academic achievement and reporting'';

(5) in subsection (b)(3)(A)—

(A) in clause (i), by striking ''paragraphs (1)(B) and (1)(E)'' and inserting ''paragraphs (2)(B) and (2)(E)'';

(B) in clause (ii), by striking ''paragraph (1)(C)'' and inserting ''paragraph (2)(C)''; and

(C) in clause (iii), by striking ''paragraph (1)(D)'' and inserting ''paragraph (2)(D)'';

(6) in subsection (b)(5), by striking ''(c)(2)'' and inserting ''(c)(3)'';

(7) in subsection (c)(2)(D), by striking ''subparagraph (B)'' and inserting ''subparagraph (C)'';

(8) in subsection (e)(4), by striking ''subparagraph (2)(C)'' and inserting ''paragraph (2)(C) of such subsection'';

(9) in subsection (f)(1)(B)(iv), by striking ''section 412(e)(4)'' and inserting ''section 302(e)(4)''; and

(10) by transferring and redesignating the section as section 303 (following section 302) of title III of this Act.

SEC. 402. AMENDMENTS TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.

The Department of Education Organization Act (20 U.S.C. 3401 et seq.) is amended as follows:

(1) Paragraph (4) of section 202(b) (20 U.S.C. 3412(b)) is amended to read as follows:

''(4) There shall be in the Department a Director of the Academy of Education Sciences who shall be appointed in accordance with section 115(a) of the Education Sciences Reform Act of 2002 and perform the duties described in that Act.''.

(2) Section 208 (20 U.S.C. 3419) is amended to read as follows:

''ACADEMY OF EDUCATION SCIENCES

''SEC. 208. There shall be in the Department of Education an Academy of Education Sciences, which shall be administered in accordance with the Education Sciences Reform Act of 2002 by the Director appointed under section 115(a) of that Act.''.

(3) In the table of contents in section 1 (20 U.S.C. 3401 note), the item relating to section 208 is amended to read as follows:

''Sec. 208. Academy of Education Sciences.''.

SEC. 403. REPEALS.

The following provisions of law are repealed:

(1) The National Education Statistics Act of 1994 (title IV of the Improving America's Schools Act of 1994; 20 U.S.C. 9001 et seq.).

(2) Parts A through E and K through N of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act) (20 U.S.C. 6001 et seq.).

(3) Paragraph (2) of section 401(b) of the Department of Education Organization Act (20 U.S.C. 3461(b)(2)).

SEC. 404. CONFORMING AND TECHNICAL AMENDMENTS.

(a) GOALS 2000: EDUCATE AMERICA ACT.—The table of contents in section 1(b) of the Goals 2000: Educate America Act (20 U.S.C. 5801 note) is amended by striking the items relating to parts A through E of title IX (including the items relating to sections within those parts).

(b) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(1) in section 5314, by inserting a period after ''Under Secretary of Education''; and

(2) in section 5315, by striking the following:

''Commissioner, National Center for Education Statistics.''.

(c) GENERAL EDUCATION PROVISIONS ACT.—Section 447(b) of the General Education Provisions Act (20 U.S.C. 1232j) is amended by striking ''section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6))'' and inserting ''section 153(a)(5) of the Education Sciences Reform Act of 2002''.

(d) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:

(1) Section 1111(c)(2) is amended by striking ''section 411(b)(2) of the National Education Statistics Act of 1994'' and inserting ''section 303(b)(2) of the National Assessment of Educational Progress Authorization Act''.

(2) Section 1112(b)(1)(F) is amended by striking ''section 411(b)(2) of the National Education Statistics Act of 1994'' and inserting ''section 303(b)(2) of the National Assessment of Educational Progress Authorization Act''.

(3) Section 1117(a)(3) is amended—

(A) by inserting ''(as such section existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)'' after ''Act of 1994''; and

(B) by inserting ''regional educational applied research and technical assistance entities established under section 203 of the Regional Assistance Act of 2002 and'' after ''assistance from''.

(4) Section 1501(a)(3) is amended by striking ''section 411 of the National Education Statistics Act of 1994'' and inserting ''section 303 of the National Assessment of Educational Progress Authorization Act''.

(5) The following provisions are each amended by striking ''Office of Educational Research and Improvement'' and inserting ''Academy of Education Sciences'':

(A) Section 3222(a) (20 U.S.C. 6932(a)).

(B) Section 3303(1) (20 U.S.C. 7013(1)).

(C) Section 5464(e)(1) (20 U.S.C. 7253c(e)(1)).

(D) Paragraphs (1) and (2) of section 5615(d) (20 U.S.C. 7283d(d)).

(E) Paragraphs (1) and (2) of section 7131(c) (20 U.S.C. 7451(c)).

(6) Paragraphs (1) and (2) of section 5464(e) (20 U.S.C. 7253c(e)) are each amended by striking ''such Office'' and inserting ''such Academy''.

(7) Section 5613 (20 U.S.C. 7283b) is amended—

(A) in subsection (a)(5), by striking ''Assistant Secretary of the Office of Educational Research and Improvement'' and inserting ''Director of the Academy of Education Sciences''; and

(B) in subsection (b)(2)(B), by striking ''research institutes of the Office of Educational Research and Improvement'' and inserting

''National Education Centers of the Academy of Education Sciences''.

(8) Sections 5615(d)(1) and 7131(c)(1) (20 U.S.C. 7283d(d)(1), 7451(c)(1)) are each amended by striking ''the Office'' and inserting ''the Academy''.

(9) Section 9529(b) is amended by striking ''section 404(a)(6) of the National Education Statistics Act of 1994'' and inserting ''section 153(a)(5) of the Education Sciences Reform Act of 2002''.

(e) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—Section 404 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6194) is amended by inserting ''(as such Act existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)'' after ''Act of 1994''.

SEC. 405. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 2002.

SEC. 406. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which the provision is held invalid, shall not be affected thereby.

SEC. 407. ORDERLY TRANSITION.

The Secretary of Education shall take such steps as are necessary to provide for the orderly transition to, and implementation of, the offices, boards, committees, and centers (and their various functions and responsibilities) established or authorized by this Act, and by the amendments made by this Act, from those established or authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6001 et seq.) and the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.).

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous information on H.R. 3801.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3801, the Education Science Reform Act Legislation, which transforms the Office of Education Research into a streamlined, more independent Academy of Education Sciences.

Earlier this year President Bush signed landmark education reforms into law, demanding new and more challenging standards of accountability from our States and improved student achievement from our schools. Recognizing that any successful education reform effort requires the best information on how children learn, the words ''scientifically-based research'' appear more than 100 times in the new law.

The reason for the focus on scientific research is simple: Educators need to know what works if they are to improve student achievement and narrow the gap between our lowest and highest performing students. Unfortunately, too much of what we recognize as education research is simply opinion buttressed by anecdotes. Consider the following examples:

Recently Congress established a national panel to evaluate existing research on the most effective way to teach children to read. They examined more than 100,000 federally-funded studies on reading, some written as far back as 1966, and concluded only 10,000 met their standards for scientific rigor.

From 1967 to 1976, the Federal Government managed the largest education research project ever conducted in the United States, comparing more than 20 different teaching programs on more than 70,000 students in 180 schools. Yet at the end of the study, all of the programs, those that were successful and those that failed, were recommended for distribution to schools. Today schools invest untold time and resources in one education fad after another. Without sound science to back program claims, teachers and school administrators are forced to use guesswork to determine the best classroom practices in students and students' achievement often suffers.

Even when scientific research is conducted, news of the findings seldom reaches teachers in the classrooms. When it does, it is often not relevant to the needs or it is not translated into understandable classroom applications. Two years ago I introduced legislation to improve the rigor and relevance of education research and to provide educators and policy-makers access to unbiased and reliable information.

The legislation before us today, H.R. 3801, picks up where that bill left off. It ensures that tried and true scientific information, not fads or fiction, form the basis for setting education policy and improving education practice. Specifically, H.R. 3801 attempts to address what I have come to know as serious shortcomings in the fields of education research, including the creeping influence of short-lived partisan or political operatives, the funding and dissemination of questionable studies, programs, and practices, and an overly bureaucratic office with no real sense of mission, mired by duplicative programs and competing interests.

Among other things, H.R. 3801 replaces the current Office of Education Research and Improvement with the new streamlined Academy of Education Science; insulates the new academy from inappropriate partisan or political influences; ensures that high quality standards put an end to education fads that masquerade as sound science; and creates a culture of science by allowing the new director to attract and retain the best researchers, evaluators and statisticians to the academy. It ensures that the research activities of the academy are driven by the needs of parents, teachers and school administrators, not ivory tower researchers; and ensures that technical assistance, including help in implementing the No Child Left Behind Act, is accountable to States and schools.

For more than 30 years, we have heard excuses on why education could not be held to the same standards as other professions, and for 30 years Federal research conducted by the Office of Educational Research and Improvement has been, to a large extent, a disappointment.

If we are to lift those who are struggling to achieve proficiency in reading, math and science, we must give our educators the information they need to help their students learn. For that to happen, we must expect more from our Federal investment in education research. We must expect scientific rigor and we must ensure that what works in education informs classroom practice.

To that end, H.R. 3801 makes long overdue changes to the Office of Education Research and Improvement. I urge my colleagues to support this bipartisan common sense legislation and send a strong message to the other body that the successful implementation of No Child Left Behind Act requires a Federal office that can deliver a high quality education research product.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today's consideration of H.R. 3801 marks an important step in this committee's addressing the equal and effectiveness of education research and technical assistance. I believe our work on this legislation over the last 2 years has produced a good bipartisan product that warrants our support today. I do want to thank the gentleman from Delaware (Mr. CASTLE) and the gentleman from Ohio (Mr. BOEHNER) for their willingness to address Democratic concerns on this legislation.

This legislation addresses several critical issues in the area of education research. First is adequate resources. H.R. 3801 authorizes over $700 million for the department's research and technical assistance activities, nearly double existing funding. This level of funding is vital in the research academy created under this legislation to become a top flight education research organization.

This bill also includes the provisions sought by the gentleman from New York (Mr. OWENS), long a leader in Congress on education issues, to increase outreach and involvement of historically black colleges and universities and Hispanic-serving institutions, and to permit fellowships to build research, knowledge and experience.

In addition, H.R. 3801 ensures that research is conducted through national research and development centers and

that 50 percent of research funding is for long-term research, both critical elements necessary to ensure high quality and effective research. This legislation also seeks to maintain the current governance relationship between the national assessment of educational process, the Department of Education, and the national assessment governing board, and in no way undermines any present authority provided to the board.

It is my intent that the changes made by this bill do not modify the manner in which the National Center for Education Statistics administers the national assessment.

Lastly, the bill ensures that we have a strong regional development and technical assistance focus that allows the continuation of existing life quality regional laboratories in comprehensive centers. Each region will competitively fund entities similar to the existing regional education laboratories and comprehensive assistance centers.

Our colleague, the gentleman from Wisconsin (Mr. KIND), has worked hard to ensure the bill's technical assistance focus would be responsive to local needs.

Mr. Speaker, a strong research focus at the Department of Education is vital to improving the educational achievement of our children. Coupled with the elements of the recently passed reauthorization of the Elementary and Secondary Education Act, this legislation can play a critical role in providing high quality research, technical assistance, and developmental activities. It is my belief that this legislation moves us in the right direction to accomplish these feats, and I urge Members to support it today.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER) the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, the reauthorization of the Office of Education Research and Improvement has been waiting for more than 3 years to receive action on the floor of the House. And today we have the Education Science Reform Act of 2002 here through the hard work of the chairman of the subcommittee, the gentleman from Delaware (Mr. CASTLE), the ranking Democrat on the subcommittee, the gentleman from Michigan (Mr. KILDEE), who have done a marvelous job in bringing this bill together through subcommittee and full committee and here on the floor today. And without the leadership of the gentleman from Delaware (Mr. CASTLE), it just would not have happened at all.

Providing high quality, scientifically based education research is vital if we are going to improve our Nation's schools. The Education Science Act of 2002 does just that. In addition, it provides technical assistance to regions, States, districts, and schools that is accountable, customer-driven and focused on the implementation of the No Child Left Behind Act. Let me emphasize that the reforms in this bill will greatly assist in helping the No Child Left Behind Act, successfully transform and reform our schools.

Mr. Speaker, I especially want to thank the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. KILDEE) for their bipartisan leadership in working out this agreement. This is no small task since we have so few legislative days this year and I want to thank both of them very much. But they are not alone. The gentleman from Florida (Mr. KELLER), the gentleman from Colorado (Mr. SCHAFFER), the gentleman from Michigan (Mr. EHLERS), the gentleman from Virginia (Mr. SCOTT), the gentleman from Wisconsin (Mr. KIND), the gentleman from New York (Mr. OWENS) and others have rolled up their sleeves and worked out the many differences that were in this bill.

The result was the bill went through both the subcommittee and the full committee by unanimous consent, and we expect the same level of support today here on the House floor. The President and the administration also support this bill. I especially want to thank Assistant Secretaries Russ Whitehurst and Becky Campoverde who, with their staff, worked closely with us as we brought this legislation forward. My thanks also to Jay Lefkowitz and Noel Franciso from the Office of Policy Development at the White House for their help.

Once again, I want to thank my colleague, the ranking Democrat on our committee, the gentleman from California (Mr. GEORGE MILLER), for making this bipartisan process work. We have continued the good relationship we had during the year-long work on the No Child Left Behind Act, and I am hopeful that we have set a new tone and a new example for the Congress, and that the approval of the House today of the Education Sciences Reform Act of 2002 demonstrates once again that we can do great things when we work together. The staff of the committee on both sides of the aisle is to be commended as well for all of their efforts in working with the Members and really doing the grunt work that brings us to a successful conclusion today. With that, I am going to thank my colleagues once again.

Mr. KILDEE. Mr. Speaker, I yield two minutes to the gentleman from Indiana (Mr. ROEMER).

(Mr. ROEMER asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. ROEMER. Mr. Speaker, I rise to commend the gentleman from Delaware's (Mr. CASTLE) and the gentleman from Michigan's (Mr. KILDEE) contributions, particularly on our side from the gentleman from New York (Mr. OWENS), and the gentleman from Wisconsin (Mr. KIND), to improve the underlying bill to address the research and reform needed in this country to better share best practices throughout the United States to improve our school system.

The chairman mentioned one aspect of this bill that I have a caveat and a concern about, and that is the money that is provided for carrying out the No Child Left Behind Act, actually to provide training and technical assistance that will begin to take the first steps for the No Child Left Behind Act. The chairman said, I think, very articulately that that act was a bipartisan act, the Democrats and Republicans working with the President to maybe pass some of the most significant reforms in the past 20 years. I agree with that as well. However, if we do not provide the resources and the money to go along with the reforms to improve Title I programs, to support the teacher development, to help the schools in corrective action, then that bill starts to fall apart.

I would include after my statement an article by David Broader from this Sunday's Washington Post that says this: ''The gap between the reality and the Washington rhetoric about raising standards in school while ensuring that no child is left behind is alarmingly large.''

If the appropriators do not appropriate the significant funds and the sufficient funds to ensure that we can lock in these reforms, and the States are cutting their budgets and not providing us money to the State schools, then this reform, no child left behind, grows increasingly in peril of backsliding and going backwards on its commitments to children in this country.

I hope we keep our eye on the appropriations process.

The article mentioned is as follows:

[From The Washington Post]

A MATTER OF MONEY . . .

(By David S. Broder)

Last week Oregon newspapers carried an Associated Press report that more than 4,600 taxpayers had voluntarily donated almost $700,000 of their tax refunds from the state to a newly created fund for support of public schools.

It was a small percentage of the $240 million automatically rebated when revenue for the 1999–2001 biennium exceeded estimates. But with the economic slowdown now causing a budget crunch in Oregon, as in more than 40 other states, these taxpayers recognized that education is in jeopardy. A recent special session found the Oregon legislature cutting the schools' budget by $112 million.

What is happening in Oregon is happening across the country. The National Conference of State Legislatures reported last week that in the current fiscal year, 17 states faced reductions in their budgets for elementary and secondary schools, and 29 faced cuts for colleges and universities.

The gap between this reality and the Washington rhetoric about raising standards in schools while ensuring that ''no child is left behind'' is alarmingly large.

In just the past few days, parents and students in state after state have heard disturbing news about the schools. The Massachusetts House of Representatives received a

committee-approved budget that would cut school spending 10 percent across the board, reducing state aid to local districts by $320 million.

In Tennessee, seven ''Governor's Schools,'' where gifted and talented high school students lived together in dormitories for a month of challenging summer studies of science, the arts and even international relations, have been canceled. The $15 million cost apparently is more than the sate can afford to invest in its most promising young people.

At the other end of the educational spectrum, the administration of freshman New Jersey Gov. Jim McGreevey has petitioned for relief from the court order requiring the state to put extra funds in to the 30 poorest school districts. These districts—urban areas with low property-tax bases—were supposed to get $83 million extra in state funds to help them repair buildings, hire teachers and improve instruction. Instead, like every other district, they will be level-funded next year.

No governors or legislators want to damage the schools their constituents use. But the requirement to balance budgets in a time of slumping revenues has left them little choice. While Washington goes blithely on its way, cutting taxes, running up deficits and borrowing from Social Security, the states are in a jam.

What is happening to elementary and secondary schools is minor compared with the hit on higher education. In the face of rising enrollments, Pennsylvania is cutting its higher ed budget by almost 5 percent. Penn State students, who were hit with an 8 percent tuition increase this year, will face another tuition boost and a fee increase of up to $600 when they come back to school.

They are better off than students at the University of Washington, where the budget calls for a 16 percent tuition increase. And in education-conscious Iowa, the presidents of the three largest state universities said in a joint statement that the legislature's cuts ''will unquestionably compromise the quality of our educational programs.'' State funding, which once paid 77 percent of the bills, now pays 60 percent, and most of the falloff has been made up by raising tuition.

The irony is that even as all this is happening, a poll released last week reaffirms the importance of education to most voters. The Public Education Network and Education Week newspaper reported that when it comes to balancing state budgets, voters overwhelmingly say that schools are the top priority. Education leads the No. 2 choice, health care, by a 3-to-1 margin. Law enforcement, welfare, services for seniors, transportation and economic development lag far behind.

But that is not what the budgets reflect. Medicaid payments are the fastest-growing state expenditures, and those costs leave little room for education or other programs.

Washington is not helping much. The federal government is still falling far short on its promise to pay 40 percent of the bills for special education students, whose needs are a crippling cost for local school districts.

After boosts in education spending by healthy double-digit percentages in the last year of the Clinton administration and the first year of the Bush administration, this year's federal budget calls for only a 2.8 percent increase.

With the feds preferring tax cuts to education aid, and the states cutting back because of their budget squeeze, America is in serious danger of backsliding on the promise to improve its schools.

Mr. CASTLE. Mr. Speaker, I have no further speakers and I continue to reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield four minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in support of the bill H.R. 3801 which restructures and refocuses the research branch of the Department of Education. I would like to thank the committee chairman, the gentleman from Delaware (Mr. CASTLE), and the ranking member, the gentleman from Michigan (Mr. KILDEE), for their leadership in crafting this bipartisan bill.

The bill before us significantly restructures the current research office, known as the Office of Educational Research and Improvement, into a new Academy of Educational Sciences.

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The reformation of Federal educational research is absolutely essential if we are to close the achievement gaps and assure that all children have an opportunity of an equal educational opportunity. The work that we are doing on this issue will be critical in helping educators meet these challenges set forth in H.R. 1, the newly signed education bill.

As the Assistant Secretary of Education noted in his testimony before the Committee on Education and the Workforce, H.R. 1 mentions scientifically-based research over 110 times as it relates to educational programs. Yet there are significant deficits in what we know about how children learn and which programs work, especially when it comes to children who are disadvantaged, have limited English proficiency or have disabilities.

While our present educational system serves most children fairly well, it struggles to meet the needs of children with special challenges in their paths. The newly structured academy can help us figure out how to better serve all children, close achievement gaps and ensure that all children get a quality education.

In crafting this legislation, we paid special attention to making sure that the research conducted by the academy was focused on producing useful findings, that is, teaching methodologies that we could actually put into practice. We need to find programs that are scientifically proven to be effective in educating students who have traditionally been disadvantaged so that they, and their schools, can meet the standards set forth in H.R. 1.

Structuring the academy so that it concentrates on research that can be put into practice will be beneficial to all 15,000 school districts in the United States. The academy will serve as a national resource so that valuable time is not lost by each individual school and each individual teacher trying to reinvent the wheel and come up with educational programs to serve their students.

I am especially pleased that we are authorizing $400 million, double the funds now available for OERI. Funding for educational research has been anemic over the years, and no amount of restructuring will achieve the needed results if appropriate resources are not applied.

I would again like to thank the subcommittee chair and the ranking member for a chance to work on this bipartisan bill that restructures Federal educational research that empowers teachers and schools to be better able to do their jobs.

Mr. CASTLE. Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Just briefly, I want to thank the gentleman from Delaware (Mr. CASTLE) for our work together. He has always been open and frank, honest, and we had some very fruitful discussions, sometimes some differences with which we were determined to work out. It is always a pleasure to work with Governor CASTLE, and when the President signs this bill into law, he will be able to add another item to an already illustrious record, both as governor and as a Member of this House.

Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Let me just return the compliment to the gentleman from Michigan (Mr. KILDEE). Disagreeing with the gentleman is better than agreeing with most people I have learned. He is a great pleasure to work with. We have worked together on a number of issues now, and these are contentious issues I might add, and have been able to work them out, greatly to his credit, and I appreciate that.

I would also like to take this time to extend my heartfelt thanks to the many Members, staff and administration officials that made this bipartisan reform effort possible.

Although education research is not an area that commands the attention of many Americans, or even many Members of Congress for all that matter, I was fortunate to work with a group of dedicated professionals who wanted to make education research better. They include obviously the Subcommittee on Education Reform ranking member, the gentleman from Michigan (Mr. KILDEE); but also the gentleman from Colorado (Mr. SCHAFFER), the vice-chairman; the gentleman from California (Mr. GEORGE MILLER), full committee ranking member; as well as the gentleman from Florida (Mr. KELLER), the gentleman from Wisconsin (Mr. KIND), the gentleman from Georgia (Mr. ISAKSON), the gentleman from Virginia (Mr. SCOTT); the gentleman from Colorado (Mr. TANCREDO), and the gentleman from New York (Mr. OWENS). I thank all of them for their important contributions.

I also want to extend my gratitude to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Education and Workforce Committee. Without his leadership and thoughtful

counsel, we would not be on the floor today.

I would also be remiss if I did not thank President Bush, Secretary Paige and Under Secretary Hickock and Assistant Secretary Russ Whitehurst and Becky Campoverde. I am indebted to them all for raising the profile of this issue and for their year-long counsel and unwaivering support of the principles embodied in this bill.

Last but certainly not least, I want to thank the staff for their hard work and abiding interest in education reform. Often vacations were sacrificed and family dinners were put on hold to get us to the floor of the House of Representatives. I think one has to be a Member of the House to understand how important staffs are to us and the extraordinary work they did.

Although many offered a helping hand, I want to especially thank Sally Lovejoy, the boss in all this; Doug Mesecar, who is to my left; Bob Sweet, Patrick Lyden, Jo-Marie St. Martin; on the other side, Alex Nock, Denise Forte and Charlie Barone, all of whom did a superb job. This team really went above and beyond the call of duty, and I am grateful to them for their efforts.

I would particularly like to thank Kara Haas of my staff who has dedicated all the recent years to education issues and has done a wonderful job of pulling all of this together.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of H.R. 3801, the Education Science Reform Act of 2002.

H.R. 3801 marks a significant step forward in the Congress' effort to improve the research, evaluation, and technical assistance focus of the Department of Education, High quality research, statistics, development, and technical assistance is critical to improving education in the 21st century.

H.R. 3801 authorizes a total of $700 million for the Department of Education's research, statistics, evaluations, and technical assistance activities. This is nearly double the current funding and ensures that almost 1 percent, or $400 million, of the Department's budget will be reserved for research activities. This ensures that the Academy of Education Sciences that the bill creates will become a premier education research organization that is capable of producing high quality research.

H.R. 3801 also creates the Regional Development and Technical Assistance program that provides funds for two entities per region. One entity will provide applied research and development while the other will provide technical assistance. These entities are governed by a local regional board that incorporates all States in the region and whose membership is chosen by the chief State school officer of each State.

I am pleased that H.R. 3801 will continue to allow all four states of the Federated States of Micronesia (FSM) (Chuuk, Kosrae, Pohnpei, and Yap) to participate in the program and be fully represented on the regional boards. Hawaii's educational laboratory, research, and technical assistance provider, the Pacific Resources for Education and Learning (PREL), has been successful and effective in meeting the needs of all the States in Hawaii's region, which includes Hawaii, the outlying area (Guam, American Samoa, and the Northern Mariana Islands) and the freely associated states (FAS)(Palau, the Marshall Islands, and the four States of the FSM, Chuuk, Kosrae, Pohnpei, and Yap) because of the participation of all the chief State school officers.

Mr. Speaker, I am pleased that Congress is committing to creating a strong office of research, statistics, evaluation, development, and technical assistance in the Department of Education. The Academy will be vital to future increases in student achievement and in the management and operation of our Nation's schools. H.R. 3801 makes the needed changes and adds the necessary resources to making this office a reality. I urge my colleagues to support this bill.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 3801, the Education Sciences Reform Act of 2002. As a member of the Education and Workforce committee, I am proud to have been a part of the bipartisan effort to strengthen the quality of public education in all regions of the country. This bill restructures the Office of Education Research and Improvement, OERI, first authorized in 1994, maintaining the regional support structures to help our schools succeed.

This issue is of special importance to the people of my district in western Wisconsin. The small, rural schools of my district strive to provide quality educational opportunities for their students, but need a support structure to help implement the many changes recently required by the Federal Government in the No Child Left Behind Act. OERI provides such a structure through regional laboratories and comprehensive centers. During reauthorization, I advocated for the continued funding of these regional entities that provide applied research and development along with technical assistance to schools in rural areas. At the same time, I support the need for a competitive environment geared toward performance-oriented funding for these regional entities. Without this type of regional structure, there would be no guarantee that schools such as those in my district would continue to receive these services.

The comprehensive centers and regional educational laboratories are invaluable resources for providing quality education to children in our small, rural schools. The mission of the regional comprehensive center is to provide technical assistance to schools and districts, while the regional labs create strategies to promote student improvement through applied research. Schools in rural areas are often faced with the challenges of serving a community with a small population, making it difficult to maintain adequate funding and a strong technology infrastructure. The labs and comprehensive centers offer the assistance needed to meet the needs of students in these areas. By supporting these entities, children in rural schools can be afforded the same types of educational tools that their counterparts in large, more urban schools receive: access to educational technologies, enrichment in math and science, and gifted and talented education, all of which help prepare our children everywhere for the workforce of the future.

In particular, the Wisconsin Center for Education Research, located in my home State, is able to provide schools with the tools they need for success. This comprehensive center at the University of Wisconsin-Madison School of Education provides services to Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin. All of these States contain a large number of small, rural schools in need of the technical assistance and applied research to continue providing quality education to the students of their districts. The Wisconsin Center provides proven, quality research dedicated to improving education for students of all ages, and is indeed one of the premier comprehensive centers in the Nation.

Mr. Speaker, I am proud to have been a part of the committee that recognized the importance of strong research and evaluation in providing quality education to students of our country. I would like to thank the subcommittee chairman from Delaware, Mr. CASTLE, the ranking member from Michigan, Mr. KILDEE, and the other members of the subcommittee for the continued efforts to make this bipartisan bill as strong as possible. Through our efforts we will continue to ensure that no child is left behind in our education system.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to first applaud the achievement of Chairman CASTLE and Congressman KILDEE and their staffs for their work on this bill. Both members have championed the need for quality education research and this legislation reflects their leadership on this issue.

H.R. 3801 complements the bipartisan effort that started with the No Child Left Behind Act. In that landmark reform measure, states and schools district are now accountable for providing a quality education to all children. And, the availability of scientifically based research that demonstrates what works and what doesn't work will be critical in this effort. H.R. 3801 establishes the framework to make this happen.

This legislation injects a much needed culture of science into education research through the newly established Academy of Education Sciences.

The Academy will be responsible for ensuring that the research used by school districts in their reform efforts will be of the highest quality and meet the highest standards. The Academy will also conduct new research and be the arm through which this research is disseminated to the field.

H.R. 3801 will bring research directly into the classroom where it is needed the most. Through a system of regional technical assistance, school districts will be able to receive support tailored to their needs.

And, perhaps most important this legislation authorizes a new level of investment in education research to match the demand for quality science on what works to improve education.

Again, I commend the work of my colleagues Congressmen CASTLE and KILDEE and look forward to working with them as it continues through the legislative process.

Again, I want to applaud the work of the chairman and ranking member.

Mr. SMITH of Michigan. Mr. Speaker, I rise in support of the Education Science Reform Act.

As one famous scientist observed, ''It is nothing short of a miracle that the modern methods of instruction have not yet entirely strangled the holy curiosity of enquiry.'' That scientist was Albert Einstein, and its apparent that since his day things haven't changed all that much.

Our colleges and universities are still the best in the world, but as international tests

show, U.S.K.–12 students do not measure up to their peers in other industrialized countries.

As Chairman of the Subcommittee on Research, we have been advocating that we devote more of our education research funding to research on how kids learn. Our current knowledge of how children acquire such academic skills as reading and math is not well advanced. Further, we know very little about the how to link fundamental research and educational practice in the classroom.

We have to find out what works in the classroom, and what doesn't. In hearings before my subcommittee, we have found that new teaching methods and technologies are often introduced into classrooms with little or no data showing that they are effective.

This is unfortunate, and it means that many of our kids will not be prepared for the high-tech future. If we want to do a better job of imparting to students the skills they need to be successful in science and math, we have to employ the most effective teaching methods from kindergarten to college. To help do that, we must conduct the kind of research and date collections to better discover what works.

Currently, federal funding for education research is a fraction of a percent of all education spending. It stands to reason that increasing funding in this area will allow us to develop policies and programs that will spend the other 99+ percent of funding on education programs more effectively.

I am pleased that National Mathematics and Science Partnerships Act, which passed the House last summer, contains language I proposed to have NSF establish centers for education research. These multidisciplinary centers will focus on research that has the potential to transform education research and teaching practice.

Complementing this effort is the work being done by the Department of Education authorized in this bill. I am particularly pleased that the bill establishes ''scientifically-based research standards'' for this program. Witnesses before my subcommittee testified to the shortcomings of the research being conducted by the Education Department. This legislation brings scientific rigor to an area of research that often lacks it, and I want to commend the gentleman from Delaware, Mr. CASTLE, and the Chairman of the Education Committee, Mr. BOEHNER, for their work in making this needed reform.

Mr. Speaker, it is in this country's best interest to see that students receive the education they will need to compete and win in the global marketplace of the future. This bill will help us achieve that goal.

Mr. HOLT. Mr. Speaker, I rise today to speak on HR 3801, the Education Sciences Reform Act. The bill restructures the current statute governing the Office of Educational Research and Improvement by creating the Academy of Education Sciences.

While there are many positive things in this bill, it also has a number of weaknesses that should be addressed. Unfortunately, because this bill is on the suspension calendar, we will not get a chance to amend it. This legislation is missing two important initiatives, the Eisenhower Regional Mathematics and Science Consortia and the Eisenhower National Clearinghouse.

We must continue to make science education a priority in order to be prepared to compete in the global market place.

One way of doing this is the Eisenhower Regional Mathematics and Science Consortia. Currently, the 10 regional Eisenhower Mathematics and Science Consortia provide expert, research-based advice to teachers, schools, and states on how to improve their math and science programs and accountability systems.

The Consortia have economies of scale for expert staff and programs that most school districts could never duplicate; and as a network, their use of Federal resources is even more efficient.

With their regional partners, the Consortia provide professional development and technical assistance that enables teachers and policymakers learn from math and science research in their efforts to improve math and science teaching and learning.

The Consortia work with National Science Foundation to disseminate exemplary teaching methods for science and math.

The Consortia coordinate resources on math and science within their regions to maximize their collective impact.

The Consortia deliver customized services without red tape. Without the Consortia, teachers and administrators must procure other funds with the associated paperwork for assistance that the Consortia proactively supply without administrative burdens.

The other important science and mathematics institution is the Eisenhower National Clearinghouse.

The Eisenhower National Clearinghouse acquires and catalogs mathematics and science curriculum resources, creating the most comprehensive collection in the nation.

The clearinghouse provides the best selection of math and science education resources on the Internet.

The clearinghouse also supports teachers' professional development in math, science, and the effective use of technology.

Most importantly it serves all K–12 educators, parents, and students with free products and services. To help them do the best possible job of teaching math and science to our kids.

We must supply the resources for our schools and teachers for math and science education. Giving all children an understanding of science is one of the greatest challenges facing our nation today. The degree to which our children acquire these important skills will help determine their future economic success and, in turn, will help shape the productivity and economic future of the entire United States.

A quality science education is important for reasons of economics or national security. But it is also important for personal well-being and for the well-being of our democracy.

Science brings order, harmony, and balance to our lives. It teaches us that our world is intelligible and not capricious. They give us the skill for lifelong learning, for creating progress itself.

Mr. Speaker, this bill will pass today, but as it moves forward we should correct this oversight regarding the Eisenhower Regional Mathematics and Science Consortia and the Eisenhower National Clearinghouse.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 3801, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 3801, EDUCATION SCIENCES REFORM ACT OF 2002

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3801, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

HONORING UNIVERSITY OF MINNESOTA GOLDEN GOPHERS MEN'S HOCKEY AND WRESTLING TEAMS AND UNIVERSITY OF MINNESOTA-DULUTH BULLDOGS WOMEN'S HOCKEY TEAM FOR WINNING 2002 NCAA CHAMPIONSHIPS

Mr. ISAKSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 391) honoring the University of Minnesota Golden Gophers men's hockey and wrestling teams and the University of Minnesota-Duluth Bulldogs women's hockey team for winning the 2002 National Collegiate Athletic Association championships.

The Clerk read as follows:

H. CON. RES. 391

Whereas the University of Minnesota Gophers men's hockey team recently won the 2002 National Collegiate Athletic Association championship for the 4th time in the university's history;

Whereas the Minnesota Gophers men's hockey team had an impressive overall record of 32-8-4;

Whereas all but 1 of the players on the Minnesota Gophers men's hockey team are from Minnesota;

Whereas the Minnesota Gophers wrestling team won their second consecutive NCAA championship in 2002;

Whereas the Minnesota Gophers wrestling team was undefeated in the 2002 season and won the Big 10 Conference tournament;

Whereas the Minnesota Gophers wrestling team finished in the top 3 in the Nation for the 6th consecutive year;

Whereas 7 members of the Minnesota Gophers wrestling team earned All-American honors;

Whereas the Minnesota Gophers wrestling team produced 2 individual national champions;

Whereas on March 24, 2002, the defending NCAA Women's Ice Hockey National Champion, the University of Minnesota-Duluth Bulldogs, won the national championship for the second straight year;

Whereas the Minnesota-Duluth Bulldogs women's hockey team defeated Brown University in the championship game by the

score of 3–2, having previously defeated Niagara University in the semi-final by the same score;

Whereas during the 2001–2002 season, the Minnesota-Duluth Bulldogs women's hockey team won 24 games, while losing only 6, and tying 4; and

Whereas all of the players on the Minnesota-Duluth Bulldogs women's hockey team showed tremendous dedication throughout the season toward the goal of winning the national championship;

Whereas all 3 of these teams display academic excellence by maintaining an average grade point average above the university-wide average; and

Whereas Congress should honor the excellence of athletic teams and encourage participation in collegiate athletics in order to build teamwork and dedication: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors the University of Minnesota Golden Gophers men's hockey and wrestling teams and the University of Minnesota-Duluth Bulldogs women's hockey team for winning the 2002 National Collegiate Athletic Association championships.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. ISAKSON) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. ISAKSON).

GENERAL LEAVE

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 391.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Concurrent Resolution 391, a resolution that congratulates the University of Minnesota men's hockey and wrestling teams and University of Minnesota-Duluth women's hockey team for winning the 2002 National Collegiate Athletic Association Championships. I am very pleased to commend the gentleman from Minnesota (Mr. KENNEDY) for bringing this resolution, and I encourage all the Members of the House to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

I am very happy to rise to support H. Con. Res. 391 which honors the University of Minnesota Golden Gophers men's hockey and wrestling teams, and University of Minnesota-Duluth women's hockey team for winning the 2002 National Collegiate Athletic Association championship. They certainly are worthy of the accolades of this House.

Mr. Speaker, I reserve the balance of my time.

Mr. ISAKSON. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY), the author of the resolution.

Mr. KENNEDY of Minnesota. Mr. Speaker, as basketball great Michael Jordan once said, ''Talent wins games but teamwork and intelligence wins championships.'' It is with great pride that I rise today to introduce a resolution to honor the three Minnesota national champions, the Golden Gophers men's hockey and wrestling teams, and University of Minnesota-Duluth women's hockey team for winning the 2002 NCAA championships.

Minnesota has had a long and proud tradition of hockey. This is the fourth time that the University of Minnesota Gophers have won their national championship. I congratulate the team and their head coach Don Lucia. As Don Lucia says, ''Hockey and Minnesota are synonymous with each other.''

The Golden Gophers wrestling team became the first back-to-back Gopher national champions since 1940 and 1941, when the Minnesota Gophers won back-to-back football championships and consecutive national titles. I congratulate the team and their head coaches, Robinson and Morgan.

The University of Minnesota-Duluth women's hockey team captured their second straight NCAA championship. In the championship game, they beat Brown three to two. Congratulations to the team and their head coach, Shannon Miller.

All three of these should be considered and honored for their academic excellence as well. All three maintained grade point averages above the school average. Their hard work on and off the ice and mat have made them champions in the eyes of all Minnesotans.

I congratulate each and every player on these teams and their coaches for their hard work, perseverance and teamwork. The entire Minnesota delegation congratulates them.

Mr. KILDEE. Mr. Speaker, I reserve the balance of my time.

Mr. ISAKSON. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Georgia (Mr. ISAKSON) for yielding me the time, and I want to thank my colleague the gentleman from Minnesota (Mr. KENNEDY) for bringing this resolution forward. I am a happy and proud co-sponsor of it.

There are two sports that we take very seriously back in the State of Minnesota. One of them is hockey and the other is wrestling. Part of the reason I think we take them so seriously is because if one is going to excel in these two sports, they have to have enormous amounts of dedication to those spores.

So on behalf of all of the people of the great State of Minnesota, I rise in support of this resolution to congratulate the young men and women who have earned this recognition.

First of all, to win the national championship in hockey is something that is extremely difficult to do. We know that because in Minnesota, we have young people as old as 4 years old, parents are taking them down to the ice arenas. At 4 years old they are called mites, and they start skating and they start learning the sport of hockey, and to win a national championship is an honor that they can only dream of one day, and obviously it is with the leadership of the University of Minnesota and the Gophers, what they did today, that will give them even more impetus to work hard to try to achieve that dream.

Also, on behalf of the people of the State of Minnesota, we want to thank and congratulate the young women at the University of Minnesota-Duluth for their amazing accomplishment to win back-to-back national championships.

Finally, if there is any sport that requires more dedication than hockey it is wrestling, and for the University of Minnesota Golden Gophers to win that championship means an awful lot.

So again congratulations to all of the Gophers and the Bulldogs for their amazing dedication in winning these national championships. I hope my colleagues will please excuse us if our buttons seem to be bursting today, but we are extremely proud of the accomplishments of these young athletes. They demonstrate the pursuit of excellence is alive and well. It is living in Minnesota.

Mr. KILDEE. Mr. Speaker, I yield as much time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Michigan (Mr. KILDEE) for yielding me the time, and I will be brief, but the University of Minnesota-Duluth women's hockey team is in my Congressional district, and I have visited with the team members on many occasions and especially with Chancellor Kathryn Martin, who is the first woman to hold the position of chancellor of the University of Minnesota-Duluth. It was under her leadership that the women's hockey program was nurtured and developed to the national prominence it has achieved.

If any person who is looking for a display of pure hockey as it should be played with skill, with passing precision and respect for players on each side of the rink, they should have followed the women's NCAA frozen four championship rounds because there one saw the display of hockey at its very best, without the body slams, without the sticks in the face, but with skill, precision passing, skill of skating and speed and superb demonstration of goalie skill on both sides of the rink.

All the teams that participated credited themselves remarkably by their display of sportsmanship and skill, but there is only one team that wins and 2-years in a row it has been the University of Minnesota-Duluth women's hockey team, and this year they were joined by their brothers, the men's hockey team. UMD was there before them.

□ 1830

They won back-to-back championships. And this year, the men's hockey team won as well. As my colleague, the gentleman from Minnesota (Mr. GUTKNECHT) noted, the men's wrestling team won as well.

I might add a footnote to all this pride in hockey. The University of Minnesota Duluth Theater Troop has, for the fifth time in the 34 years of the competition, won the Kennedy Center National Collegiate Theater Competition. And for the second time in 3 years, drama is also a part of the human spirit.

To Kathryn Martin's credit, she has nurtured the drama program; herself a theater and drama professor and coach, she has nurtured this program. And to the great credit of UMD, the theater troop, for the second time in 3 years, was one of the four final winners of the Kennedy Center Theater Performance.

University of Minnesota on the athletic side as well as on the intellectual and spiritual side of lifting the human spirit has contributed enormously to the northland. And to all the scholar athletes and scholar theater performers who have participated and won national honors, as the gentleman said, our buttons indeed are bursting a bit. It is appropriate for us to offer this recognition on the House floor.

I thank the gentleman for the time, and I congratulate the University of Minnesota Duluth and the University of Minnesota main campus on their achievements.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume to conclude by commending the gentleman from Minnesota (Mr. KENNEDY) on offering the resolution, and I encourage my colleagues in the House to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Georgia (Mr. ISAKSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 391.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

Concurring in Senate amendments to H.R. 169, by the yeas and nays;

S. 2248, by the yeas and nays; and

H. Con. Res. 386, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 169.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 169, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 22, as follows:

[Roll No. 117]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—22

Blagojevich
Buyer
Cannon
Clayton
Crane
DeMint
Frank
Gutierrez
Mascara
Millender-McDonald
Murtha
Pombo
Riley
Schaffer
Smith (WA)
Souder
Tanner
Tauzin
Traficant
Watkins (OK)
Weldon (FL)
Wynn

□ 1859

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

EXTENDING AUTHORITY OF EXPORT-IMPORT BANK UNTIL MAY 31, 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2248.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the Senate bill, S. 2248, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 318, nays 92, not voting 24, as follows:

[Roll No. 118]

YEAS—318

Ackerman
Aderholt
Allen
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barr
Barrett
Barton
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clyburn
Collins
Combest
Cooksey
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Oxley
Pastor
Pelosi
Peterson (PA)
Phelps
Pickering
Pitts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Spratt
Stearns
Stenholm
Stump
Sullivan
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Upton
Velazquez
Vitter
Walden
Walsh
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)

NAYS—92

Abercrombie
Akin
Andrews
Armey
Baldwin
Barcia
Bartlett
Bass
Bilirakis
Bonior
Brady (PA)
Brown (OH)
Chabot
Clay
Coble
Condit
Conyers
Costello
Cox
Coyne
Culberson
Davis, Jo Ann
DeFazio
DeLay
Doolittle
Duncan
Evans
Fattah
Flake
Gekas
Goode
Gutknecht
Hastings (FL)
Hayes
Hayworth
Hilleary
Hinchey
Hoekstra
Holden
Hostettler
Hunter
Jackson (IL)
Jones (NC)
Jones (OH)
Kerns
Kildee
Kucinich
Lee
Lewis (GA)
Matheson
McHugh
McInnis
McKinney
Meek (FL)
Miller, George
Miller, Jeff
Mink
Mollohan
Oberstar
Olver
Otter
Owens
Pallone
Pascrell
Paul
Payne
Pence
Peterson (MN)
Petri
Platts
Rahall
Rivers
Rohrabacher
Royce
Sanders
Sensenbrenner
Shadegg
Smith (MI)
Solis
Stark
Strickland
Stupak
Sununu
Sweeney
Tancredo
Taylor (NC)
Thompson (CA)
Towns
Udall (NM)
Visclosky
Wamp
Waters

NOT VOTING—24

Blagojevich
Buyer
Cannon
Clayton
Clement
Crane
DeMint
Frank
Gutierrez
Mascara
Millender-McDonald
Murtha
Pombo
Riley
Schaffer
Smith (WA)
Souder
Tanner
Tauzin
Traficant
Watkins (OK)
Weldon (FL)
Wynn
Young (FL)

□ 1908

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL CHARTER SCHOOLS WEEK

The SPEAKER pro tempore (Mr. WHITFIELD). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 386.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 386, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 3, answered ''present'' 2, not voting 25, as follows:

[Roll No. 119]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cantor
Capito
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa

Hobson	McHugh	Sanders
Hoeffel	McInnis	Sandlin
Hoekstra	McIntyre	Sawyer
Holden	McKeon	Saxton
Holt	McKinney	Schakowsky
Honda	McNulty	Schiff
Hooley	Meehan	Schrock
Horn	Meek (FL)	Scott
Hostettler	Meeks (NY)	Sensenbrenner
Houghton	Menendez	Serrano
Hoyer	Mica	Sessions
Hulshof	Miller, Dan	Shadegg
Hunter	Miller, Gary	Shaw
Hyde	Miller, George	Shays
Inslee	Miller, Jeff	Sherman
Isakson	Mink	Sherwood
Israel	Mollohan	Shimkus
Issa	Moore	Shows
Istook	Moran (KS)	Shuster
Jackson (IL)	Moran (VA)	Simmons
Jackson-Lee (TX)	Morella	Simpson
	Myrick	Skeen
Jefferson	Nadler	Skelton
Jenkins	Napolitano	Slaughter
John	Neal	Smith (MI)
Johnson (CT)	Nethercutt	Smith (NJ)
Johnson (IL)	Ney	Smith (TX)
Johnson, E. B.	Northup	Snyder
Johnson, Sam	Norwood	Solis
Jones (NC)	Nussle	Spratt
Kanjorski	Oberstar	Stark
Kaptur	Obey	Stearns
Keller	Olver	Stenholm
Kelly	Ortiz	Strickland
Kennedy (MN)	Osborne	Stump
Kennedy (RI)	Ose	Stupak
Kerns	Otter	Sullivan
Kildee	Owens	Sununu
Kilpatrick	Oxley	Sweeney
Kind (WI)	Pallone	Tancredo
King (NY)	Pascrell	Tauscher
Kingston	Pastor	Taylor (MS)
Kirk	Paul	Taylor (NC)
Kleczka	Payne	Terry
Knollenberg	Pelosi	Thomas
Kolbe	Pence	Thompson (CA)
LaFalce	Peterson (MN)	Thompson (MS)
LaHood	Peterson (PA)	Thornberry
Lampson	Petri	Thune
Langevin	Phelps	Thurman
Lantos	Pickering	Tiahrt
Larsen (WA)	Pitts	Tiberi
Larson (CT)	Platts	Tierney
Latham	Pomeroy	Toomey
LaTourette	Portman	Towns
Leach	Price (NC)	Turner
Lee	Pryce (OH)	Udall (CO)
Levin	Putnam	Udall (NM)
Lewis (CA)	Quinn	Upton
Lewis (GA)	Radanovich	Velazquez
Lewis (KY)	Rahall	Visclosky
Linder	Ramstad	Vitter
Lipinski	Rangel	Walden
LoBiondo	Regula	Walsh
Lofgren	Rehberg	Wamp
Lowey	Reyes	Waters
Lucas (KY)	Reynolds	Watson (CA)
Lucas (OK)	Rodriguez	Watt (NC)
Luther	Roemer	Watts (OK)
Lynch	Rogers (KY)	Waxman
Maloney (CT)	Rogers (MI)	Weiner
Maloney (NY)	Rohrabacher	Weldon (PA)
Manzullo	Ros-Lehtinen	Weller
Markey	Ross	Wexler
Matheson	Rothman	Whitfield
Matsui	Roybal-Allard	Wicker
McCarthy (MO)	Royce	Wilson (NM)
McCarthy (NY)	Rush	Wilson (SC)
McCollum	Ryan (WI)	Wolf
McCrery	Ryun (KS)	Woolsey
McDermott	Sabo	Wu
McGovern	Sanchez	Young (AK)

NAYS—3

Hinchey	Jones (OH)	Rivers

ANSWERED ''PRESENT''—2

Capuano	Kucinich

NOT VOTING—25

Blagojevich	Mascara	Souder
Buyer	Millender-McDonald	Tanner
Cannon		Tauzin
Capps	Murtha	Traficant
Clayton	Pombo	Watkins (OK)
Crane	Riley	Weldon (FL)
DeMint	Roukema	Wynn
Frank	Schaffer	Young (FL)
Gutierrez	Smith (WA)	

□ 1919

Mr. CAPUANO changed his vote from ''yea'' to ''present.''

So (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENT TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2215, THE 21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Ms. DEGETTE. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 2215 tomorrow.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the 2 Houses on the Senate amendment to the bill H.R. 2215 be instructed to:

1, agree to title IV of the Senate amendment (establishing a Violence Against Women Office); and

2, insist upon section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 402 of the House bill (establishing duties and functions of the Director of the Violence Against Women Office).

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. ACKERMAN. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 2646.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the 2 Houses on the Senate amendment to the bill H.R. 2646 be instructed to insist on the provisions contained in section 945 of the House bill relating to unlawful stockyard practices involving nonambulatory livestock.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. BLUMENAUER. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 2646.

The form of the motion is as follows:

I move that the House conferees on H.R. 2646, an act to provide for the continuation of agricultural programs through fiscal year 2011, be instructed to leave intact the House provisions of the House and Senate bills, specifically those which:

amend section 26 of the Animal Welfare Act, (7 U.S.C. 2156), subsection (e), to strike ''$5,000'' and insert ''$15,000''; and to strike ''1 year penalty provision'' and insert ''2 years''; and it provide that the amendments to section 26 of the Animal Welfare Act take effect 30 days after the date of enactment of this act.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PENCE). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on remaining motions to suspend the rules will be taken tomorrow.

CONGRATULATING THE UNIVERSITY OF CONNECTICUT HUSKIES FOR WINNING THE 2002 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S BASKETBALL CHAMPIONSHIP

Mr. ISAKSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 401) congratulating the University of Connecticut Huskies for winning the 2002 National Collegiate Athletic Association Division I women's basketball championship.

The Clerk read as follows:

H. RES. 401

Whereas the University of Connecticut Huskies women's basketball team won its second National Collegiate Athletic Association championship in 3 years by defeating the University of Oklahoma by the score of 82–70;

Whereas the team, coached by NCAA Division I women's basketball Coach of the Year, Geno Auriemma, finished the 2002 season with a perfect 39–0 record, becoming only the 4th NCAA Division I women's basketball team to finish a season undefeated;

Whereas Sue Bird was chosen as the national women's Player of the Year;

Whereas Swin Cash was named the Final Four Most Outstanding Player;

Whereas Sue Bird, Swin Cash, Diana Taurasi, Asjha Jones, and Tamika Williams were selected as All-Americans;

Whereas the University of Connecticut Huskies' 35-point average margin of victory during the regular season was the largest average margin of victory in NCAA Division I women's basketball history;

Whereas the University of Connecticut Huskies dominated this year's championship tournament, averaging 83.3 points and a 27-point margin of victory en route to the championship;

Whereas the high caliber of the University of Connecticut Huskies in both athletics and academics has significantly advanced the sport of women's basketball and provided inspiration for future generations of young men and women alike; and

Whereas the University of Connecticut Huskies' championship season has rallied Connecticut residents of all ages behind a common purpose and triggered a wave of euphoria across the State: Now, therefore, be it

Resolved, That the House of Representatives commends the University of Connecticut Huskies women's basketball team

for winning the 2002 National Collegiate Athletic Association Division I women's basketball championship and for completing the 2001–2002 season with a 39–0 record.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. ISAKSON) and the gentlewoman from Connecticut (Ms. DELAURO) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. ISAKSON).

GENERAL LEAVE

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 401.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 401. This resolution congratulates the University of Connecticut Huskies for winning the 2002 NCAA Division I women's basketball championship. This is the University of Connecticut's second NCAA championship in 3 years. As my colleagues may know, the team finished the 2002 season with an unblemished perfect record of 39 and 0 and became only the fourth NCAA Division I women's team to finish the season undefeated. This is an amazing accomplishment and one worthy of recognition.

Mr. Speaker, I want to thank the gentleman from Connecticut (Mr. SIMMONS) for introducing this resolution, and I extend my congratulations to the team, their coach, and the university. I ask all of my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume.

First, let me just thank the gentleman from Georgia (Mr. ISAKSON) for bringing this resolution to the floor, and those of us in Connecticut accept his good wishes on this issue. I also want to thank the gentleman from the Connecticut delegation (Mr. SIMMONS) for introducing the resolution honoring the Huskies for capping a perfect 39 and 0 season. That is right. Say it again; a perfect 39 and 0 season, with their third NCAA women's basketball championship. Under the guidance of NCAA division Coach of the Year, Geno Auriemma, the Huskies dominated their opponents on the court. The 2002 Huskies are destined to be remembered as one of the best basketball teams in sports history.

The people of Connecticut are justly excited and proud of their Huskies who have set an example for us all with their teamwork and with their standard for perfection. They ranked number 1 in the Nation in scoring, 3-point shooting percentage, scoring defense, and field-goal percentage allowed. They set an NCAA record with a season-long average victory margin of 35.4 points, and set a national record with 831 assists. Throughout the entire season, only 1 opponent lost by less than 10 points.

The individual talent of the Huskies' players, and particularly the 5 starters, meshed to make them an unbeatable force. Their talent was recognized with a number of accolades. All 5 of the starters, Asja Jones, Swin Cash, Tamika Williams, Diana Taurasi, and Sue Bird, made the Big East All Tournament team and they were also selected as All Americans. Swin Cash was named the final 4 most outstanding player. Sue Bird, who scored 14 points in the championship game, was chosen as the National Championship Player of the Year and won the Honda Award for women's basketball.

These women have illustrated for us the results of Congress's commitment, through Title IX, to getting girls involved in sports.

I might just add on a personal note, many, many, many years ago at the Academy of Our Lady of Mercy in Milford, Connecticut, I played basketball. I am so old in this process that women could only play half court at that time. We have really turned things around.

Really what title IX has provided is that it has shown that given the resources, that women are just as talented and as exciting to watch as any men's team that is out there. With their hard work, their absolute determination, and their commitment to teamwork and, quite frankly, doing what they love to do on and off the court, these talented young women have proven themselves to be role models for girls and boys across this great Nation. They have set a new standard of excellence that teams in the future will strive to match. The UCONN Huskies have achieved perfection and inspired us all.

Mr. Speaker, I congratulate the Huskies on their championship win and on their perfect season. They have truly earned this recognition. Go Huskies.

Mr. Speaker, I reserve the balance of my time.

Mr. ISAKSON. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Connecticut (Mr. SIMMONS), the author of the resolution.

Mr. SIMMONS. Mr. Speaker, I thank the gentleman from Georgia (Mr. ISAKSON) for yielding me this time.

I rise today and join all of my Connecticut colleagues to honor the 2002 NCAA women's basketball champions, the University of Connecticut Huskies.

This resolution recognizes a team that my home State is so proud of, a group of young women who have excelled both on and off the court. Led by NCAA Player of the Year and WNBA number 1 draft pick, Sue Bird, along with her senior teammates, Asja Jones, Tamika Williams, and NCAA most outstanding player Swin Cash, the Huskies capped a perfect 39 and 0 season by beating the University of Oklahoma 82 to 70; 82 to 70. Mr. Speaker, 3½ million viewers, including all of Connecticut, watched with pride as the Huskies claimed their place as the undefeated national champions and one of the all-time greatest basketball teams in history.

Founded in 1881, the University of Connecticut has a rich history of providing educational opportunities for undergraduates of diverse interests, abilities and backgrounds, and the Huskies now add another national championship title to their world class academic reputation.

So many outstanding young women helped make the 2001–2002 season a smashing success, and I mentioned 4 seniors. But in addition to these, we have the fifth Huskie starter, Diana Taurasi, and other players on the team, all of whom could have started just about anywhere in the country.

□ 1930

There were Jessica Moore, Ashley Battle, Maria Conlon, Morgan Valley, Ashley Valley, and Stacey Marron. A special ''Way to go, Huskies,'' goes to head coach Geno Auriemma, associate coach Chris Daily, and coaches Tonya Cardoza and Jamelle Elliott, as well as to athletic director Lou Perkins, and the parents of this team. Finally, I commend UConn President Phillip Austin and his administration for fielding such a fine team of scholar athletes.

Mr. Speaker, I look forward to standing on the floor next year, hopefully, to commend yet another UConn women's NCAA basketball champion. But for today, it is the 2002 team.

Mr. ISAKSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding time to me, Mr. Speaker. This is going to be kind of an echo of the gentlewoman from Connecticut (Ms. DELAURO). We are going to say the same things, but every time we say it, we like it even more.

My constituents and all of Connecticut congratulate the University of Connecticut Lady Huskies for winning the 2002 NCAA Women's Basketball Championship. These Huskies truly deserve the title ''Best in Show.'' In my expert opinion, this is the greatest team, the greatest team in the history of women's college basketball, and who knows if it will ever be repeated.

How good were the Huskies? Consider that in posting their 39 and O record, they never once trailed in the second half all season. Their average margin of victory was a remarkable 35 points. During the NCAA tournament, they won their six games by an average margin of 27 points.

At 87.5 points per game, they were the highest-scoring team in the Nation, and with an average of 51.4 points allowed, they had the second stingiest defense.

Mr. Speaker, this team is characterized by its quick passes, ferocious rebounding, intense defense, and precision shooting, all of which were a cut

above the rest of the competition, a big cut above.

But most of all, what strikes me about the Lady Huskies is their emphasis on teamwork, their awesome teamwork: 831 assists. What a pleasure to watch them.

On their way to their second championship in three years, the Lady Huskies were led by the unselfish play of four sensational seniors and a super sophomore: National Player of the Year and All-American Sue Bird, Final Four Most Outstanding Player and an all-American, Swin Cash, and All-Americans Asjha Jones, Tamika Williams, and Diana Taurasi.

The Lady Huskies were also a team feared for their depth. I want to take a moment to recognize Maria Conlon, Stacey Marron, and two sisters, Morgan and Ashley Valley.

NCAA Coach of the Year, Geno Auriemma, put together an unbelievable team with his coaching staff. These UConn Huskies are the new measure that all teams have to meet. They were really a joy to watch, and I congratulate them on all they have achieved.

I also want to congratulate them for being such extraordinary role models for Americans young and old.

Mr. ISAKSON. Mr. Speaker, I am very pleased to yield 2½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), whose height might be challenging for basketball, but whose spirit is national championship caliber.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Georgia, but I would remind him in those days when speed mattered more than height, I was quite okay.

Mr. Speaker, I rise with my colleagues from Connecticut to pay tribute to a truly great team. These young women have played now, four of them, for 4 years for UConn, and it is not just the top team that is so impressive, it is all the way down through the bench that this team is truly a model for all young women across the Nation.

First of all, let me remind Members that on Sunday, March 31, they defeated Oklahoma University to win the NCAA tournament with a perfect record of 39 wins to zero losses.

I would also like to offer special congratulations to the head coach, Geno Auriemma, who won his third national title, and all the players this season, including the departing seniors, who have had a most remarkable 4 years.

Geno is a remarkable coach, and I think this team is, as his previous teams were, evidence not only of his skill and leadership, but their character and intelligence.

I rise today because these young women are not just champions in the basketball world, as important as that is. They are not only skilled individual basketball players, but they are outstanding team players, and it is that that their coach, Geno, has taught them: How to work together, how to help the other guy, how to make sure that each brings out the very best in the rest of the team, because success is never the consequence of any one individual player's skill, as in life success is never the consequence of one individual human being's actions, but always of the teamwork and interaction among free, capable, and skilled people.

But these young women are not just skilled athletes and great team members. They are, in fact, fine students. They do extremely well in their courses, and they are women of integrity and character.

Their concern for one another, the way they treat one another, the respect for one another, their honesty, their integrity, and their moral character has been an inspiration to the young women of our State and across the Nation, as well as their skill and teamwork.

I salute them here tonight on the floor of the House, and I join my colleagues from Connecticut and the people across our great State in saluting this women's basketball team for their enormous victory on Sunday, March 31.

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume.

I just want to say that I think we can hear from what my colleagues from Connecticut and myself are saying as to how the UConn Huskies, the women, have captured the enthusiasm of the State, whether young or old, men or women, but particularly women.

I will just say that my mother, Louise DeLauro, is 88 years old. She is fixed to the TV when the women are playing, and I will tell Members why. When she was growing up, and I did not know this until really listening to her and watching her watch this game and looking at the plays, and it was just amazing to me, she talked about women's leagues when she was in school, in which she played in the city of New Haven, eight leagues of women playing in one city in our State. And given that she is 88 years old, Members can figure out how many years ago that was.

We literally have come full circle. This is intergenerational. We have Louise DeLauro at age 88 fixed to the TV, and we have young women all over our State looking at these women as real role models. It is a change in how not only our State, but this country views women in competitive sports and views women's basketball.

Mr. SHAYS. Mr. Speaker, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from Connecticut.

Mr. SHAYS. Very briefly, I would love to just say, Mr. Speaker, that this basketball team and the teams that Lew Perkins has put together, the athletic director, have brought Connecticut together.

I represent a part of Connecticut closer to New York City, and sometimes my constituents think they vote for the Governor of New York instead of Connecticut. But this basketball team has done an amazing job of making all of us so proud and feel so much a part of Connecticut.

I would say one other thing. When we watch this team, we are not going to see their names on the back of their Jerseys because Geno points out that they are all a team, and no one is better than the other. Their names are not there. They are the team, the UConn Huskies. They do a great job.

Ms. DELAURO. Mr. Speaker, I yield back the balance of my time.

Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no further questions, but I join with the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from Connecticut (Mr. SIMMONS), the author of this legislation, the gentlewoman from Connecticut (Mrs. JOHNSON), and the gentleman from Connecticut (Mr. SHAYS) and others.

I commend it to the House and urge its adoption.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor the extraordinary dedication, hard work, and ability of the 2002 National Collegiate Athletic Association's Women's Basketball Champions, the Huskies of the University of Connecticut. I am proud to be an original cosponsor of House Concurrent Resolutin—to honor the University of Connecticut women's basketball team for their incredible achievement. On Sunday, March 31, the Huskies completed their perfect season with a hard-earned victory over the Oklahoma Sooners. With a record of 39 wins and no losses, the Huskies were named for the second time in three years as the NCAA champions.

Of the five starters this season, four were seniors: Sue Bird, Swin Cash, Tamika Williams, and Asjha Jones. During their four years at the University of Connecticut, they had a record of 136–9, made three Final Fours, and won two National Championships. They were only the fourth team in women's college basketball history to go undefeated, tying the record for the most wins. Throughout the season the team had an average margin victory of 35.4 points, and never trailed in the second half of a basketball game.

Members of the team won various awards this season. Sue Bird won the Wade Trophy for National Women's Player of the Year, Naismith Player of the Year, and was selected for AP First Team All-America Honors. Swin Cash an sophomore Diana Taurasi were selected to the All-America Second Team, Asjha Jones made the All-America Third Team, and Tamika Williams received Honorable Mention All-America. Coach Geno Auriemma was selected as Naismith Coach of the Year and 2002 Russell Athletic/WBCA Division I National Coach of the Year.

Those associated with women's college basketball have claimed that this Husky basketball team is among, if not, the best team in the history of the Women's game. I believe the ultimate compliment was paid to this team when Pat Summitt, coach of the Tennessee Lady Vols, said: ''[Geno's] done a great job with them and they're big play people all across the board. And what I really admire about this Connecticut team is how hard they play and how inspired they are in every possession. I did not recall seeing a player not

play hard every possession. And that speaks for their character and what they brought to the court tonight against us. But I may do to the graduation and cheer. You think they'll let me go? I might be there.

I would like to extend my personal congratulations to the UConn Husky women's basketball team. The entire State of Connecticut is proud of the Husky team, which has helped turn Connecticut into the center of women's college basketball. Therefore, I ask my colleagues to join me in support of this resolution and to celebrate the talents of this exceptional team.

Mr. ISAKSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentleman from Georgia (Mr. ISAKSON) that the House suspend the rules and agree to the resolution, H. Res. 401.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1950

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1950.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2871, EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2001

Mrs. MYRICK (during debate on H. Res. 401) from the Committee on Rules, submitted a privileged report (Rept. No. 107–423) on the resolution (H. Res. 402) providing for consideration of the bill (H.R. 2871) to reauthorize the Export-Import Bank of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE REAUTHORIZATION OF TANF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, as we move towards the reauthorization of TANF, and as we look at the whole question, the whole issue of welfare reform, I think there are some principles and concepts and realities and truisms that we need to deal with.

First of all, we need to understand that in order for people to move from welfare to work, that more education and training is needed and necessary, as opposed to more work requirements.

The 24-hour direct work-related activity that is proposed is too strict. The only 16-hour non-direct work-related activity does not allow an individual to receive adequate educational or vocational training, and does not allow the ability for adequate job training and education.

We need to understand, Mr. Speaker, that education is needed for recipients to get off welfare permanently. We need to allow recipients the opportunity of 24 months of job training or vocational training, and 2 years of degree attainment. That is to suggest that they need to be afforded the opportunity to acquire at least an Associate of Arts degree.

Recipients must compete with the lagging economy and the fact that more college graduates are now stuck in low-paying jobs. We need to understand that recipients need education, education, and education if they are to increase the possibility of moving from welfare to work.

We need to allow for high school diploma attainment, English language learner classes, and adult basic education, including adult literacy programs. Education and training make a critical difference in employability, earnings, and job retention.

In 1998, 28 percent of TANF recipients worked for substandard pay while still qualifying for aid. People leaving welfare earn around $6.61 per hour, or from $8,000 to $12,000 a year.

□ 1945

More education is obviously needed if they are to earn enough to earn a decent living. Welfare rolls dropped 22 percent between 1995 and 1997. However, poverty among families headed by single mothers dropped only 1 percent. The reality is that the poor are getting poorer. Many must choose between child care and work. We must reduce the extent and severity of poverty and promote self-sufficiency among families if we are doing anything serious about moving people from welfare to work. Child care funding needs to be adjusted for inflation. We must increase Federal funding for the child development funds to meet the needs of all eligible children. And we must invest enough in child care to make a difference. Mothers who work low-wage jobs often do not have benefits to leave work when the child is sick or they work conflicting hours. The annual cost of child care is $4,000 to $6,000 and can rise as high as 10,000. Child care must be an integral part of any effort to move people from poverty, from welfare to work.

So I urge, Mr. Speaker, that as we move towards reauthorization of TANF we realize what we are trying to do is to move people not from just welfare to work but from poverty to a decent level of living.

HONORING YOUTH NEED PRIME TIME

The SPEAKER pro tempore (Mr. KELLER). Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I come today to this Chamber having had an extraordinary morning in east central Indiana. At my side was the conference chairman for the Republican majority of the Congress, J.C. Watts, who is, among other accolades including Orange Bowl hall of famer, a football player and one of the best known members of this institution nationally. He is a man, as I learned today, deeply committed to the least of these and to coming alongside those in community, not sadly, Mr. Speaker, often associated with the Republican Party in this day and age, but a community that is nonetheless deeply in need of attention and, specifically, legislative attention by this Congress.

Today J.C. Watts and I traveled to the west side of Anderson into, Mr. Speaker, a ramshackle house, dilapidated, the floors creaking beneath us, an old refrigerator humming in the back room full of Cokes and snacks. We stood before some 30 people, teenagers, largely minority young men and women, all of them from disadvantaged families, each of them from one degree or another in trouble with the law, in trouble at school. And all of these students gathered as this football player-turned-Congressman and as this talk show-host-turned-Congressman stood in front of them extolling the virtues of the leader of that organization, Youth Need Prime Time, Thomas Jackson; the work that he had done in that place and in lesser places, Mr. Speaker, over the last 16 years, touching the lives of some 3,000 young people in one of the most disadvantaged areas of the Sixth Congressional District of Indiana.

I heard J.C. Watts as he spoke about the lies on the street, having grown up in a disadvantaged black family himself. His father, Buddy, having not ever gone to school beyond the second grade, J.C. Watts was able to speak with authority to these young people about the lies of believing that it will never happen to me, believing that the rules of law and the rules of nature will never catch up with them and least of all the long arm of the law.

I saw those young people, Mr. Speaker, with rapt attention as they listened. But my heart nevertheless went out to the leaders of that organization who make it, Mr. Speaker, hand to mouth, barely paying the rent, barely having the resources to run the organization as it has impacted so many lives since 1986.

And my mind wandered to the legislation that we passed in this House almost now a year ago, legislation known as the Community Solutions Act. It was legislation commonly described as the faith-based initiative

that would encourage charitable giving, expanding charitable choice to include faith-based organizations just like Youth Need Prime Time; and saying to these organizations that they would be allowed to compete for Federal grants in the areas of housing, job training, child welfare, child care services, crime prevention programs and the like.

As I looked this morning into the eyes of Shorika, a 14-year-old girl who had made a decision, Mr. Speaker, to say yes to life, bringing a small child into the world even at that tender age, I thought of the frustration of a system that discriminates against ministries like Youth Need Prime Time simply because on occasion they mention God, on occasion they have a Bible study or have a cross on the wall.

So I simply rise today to speak of an extraordinary experience with J.C. Watts, a man of extraordinary voice in our party. But I also think, Mr. Speaker, of the critical need for this Congress and this government to amend the laws of this Nation, to come alongside organizations like Youth Need Prime Time, to courageous men like Thomas Jackson and his family and the volunteers that are there every day of the week, day in and day out, coming alongside some of the most troubled and disadvantaged young people in the district that I serve and saying that not only is the American dream alive, but it is alive for them if they will but have the faith and the self-sacrifice and the determination to reach it. Let us in this Congress extend the faith-based initiative and come alongside the least of these.

MUSHARRAF EASING UP ON TERRORISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, since September 11 the United States and the rest of the world have been curiously watching President Musharraf of Pakistan and the role he has been playing on the war on terrorism. Fortunately, Mr. Speaker, he has been cooperative with the United States in our anti-terrorist activities. But unfortunately, Musharraf has shown no dedication to quelling terrorist activities in his own backyard, Pakistan and Kashmir.

Musharraf has created a double standard where he fights against terrorism globally, but winks at terrorist activity locally.

Mr. Speaker, following the October 1 attack on the Jammu and Kashmir State Assembly and the December 13 attack on the Indian Parliament last year, it was clear that action against Islamic militants needed to take place. At that time, it was reported that President Musharraf outlawed two organizations responsible for terrorism in Kashmir, Jaish e-Muhammad and Lashkar-e-Taiba, in addition to arresting nearly 2,000 men supposedly linked to terrorists. This was done in an effort to crack down on terrorists. The impression was also given by Musharraf that the madrassahs, those schools with training in fundamental Islamic principles which were directly linked to terrorism, would be closed throughout Pakistan. But, Mr. Speaker, this is in fact not the case at all.

To begin with, the 2,000 supposed militants rounded up were for the most part arrested for minor crimes. From my understanding, there were two exceptions to this: the arrest of Masood Azar, head of Jaish-e-Muhammad and the arrest of Hafiz Saeed, leader of Lashkar-e-Taiba.

At this point, however, Mr. Azar has been demoted to house arrest, Mr. Saeed has been freed, and most of the 2,000 others that have been arrested have been released under the condition that they maintain good behavior.

There is no accountability, Mr. Speaker, for terrorist activity in Pakistan or Kashmir.

Musharraf is reversing his crackdown on terrorists, and terrorist groups that formerly existed are now rejoining other groups under new names.

Mr. Speaker, President Musharraf is cozying up to the United States and its allies under the pretense that he is leading Pakistan in a war against terrorism, while at the same time he is condoning terrorism at home, in Pakistan, as well as in Kashmir. This is not only exemplified by the release of those arrested, but also by the continued operation of the religious schools with curricula that encourage violence. This double standard is unacceptable and should no longer be tolerated by the United States.

Mr. Speaker, it is no coincidence that Musharraf has released many of these arrested, including the leaders of terrorist organizations at the same time as the referendum which would continue his dictatorship for 5 more years.

Musharraf relies on the militant fundamentalists to maintain his illegal seizure of power as president. He does not have the legitimacy that comes from being elected president by the people of Pakistan. He is required to link his military rule to a fundamentalist religious theocracy in order to justify staying in office.

Mr. Speaker, I also believe that peace between India and Pakistan and the negotiated settlement of the Kashmir issue is inevitably linked to a democratic government in Pakistan. Democracies rarely war with each other and are more likely to settle their differences through peaceful means.

General Musharraf's actions are moving in the opposite direction. An extension of his military regime will mean more encouragement to terrorism in Kashmir and ultimately I unfortunately think the greater likelihood of war with India.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

(Ms. BERKLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXPRESSING SUPPORT FOR ABSTINENCE EDUCATION PROGRAMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. UPTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. UPTON. Mr. Speaker, I know that there are a number of Members wishing to come over tonight to talk on this Special Order, and I also know that there is a markup going on in the Committee on Armed Services, so a number of Members may put their remarks in as an extension of remarks.

We are holding this Special Order tonight to provide our colleagues and the public with information about a key component of the 1996 welfare reform law, title V, Abstinence Education Block Grant program. When we passed welfare reform in 1996, we emphasized a number of points, two specifically: work and responsibility. And we have made great strides in promoting work, but too many young people's dreams have been cut short by poor decisions that dramatically affect the course of their lives.

Teen birth rates have been falling for the last 9 years and that is good news. But nearly half a million teens are giving birth each year, a rate higher than those of most industrialized nations. And 8,519 births last year are to girls

under the age of 15. We know that out-of-wedlock births and teen births take a high toll on the teen mom, the child and our society as a whole; and we know that that life is rough for them as well. And while the teen birth rate may be falling, sexually transmitted diseases, STDs, have reached epidemic proportions in this country, placing the health and the very lives of sexually-active teens in peril.

Today, one in four sexually-active teens is infected with an STD. Numerous studies show that if you give abstinence education a chance to work, it does. I know in my State of Michigan we have been at the forefront of this effort, and we have made significant progress in reducing teen births and the number of abortions through education and mentoring programs, and that has got to be our national goal.

Mr. Speaker, President Bush got it right when he said that abstinence is not just about saying no to sex, it is about saying yes to a happy, healthier future. Anyone who thinks abstinence education does not work has only to examine the Michigan record, my State. Begun back in 1993, Michigan's Abstinence Partnership, MAP, the MAP program, is an innovative approach implemented through the community empowerment model.

Community coalitions plan, implement, evaluate, revise and monitor the program. Parent education is provided to encourage effective communication with youth about the importance and the benefits of choosing abstinence. For the last 3 years in a row, Michigan has received a bonus award from the Department of Health and Human Services given each year to up to five States which experience the largest decrease in their ratio of out-of-wedlock to total births while also experiencing a reduction in their abortion rate.

□ 2000

Michigan is far from alone in embracing abstinence education as an effective means of reducing teen pregnancies in out-of-wedlock births and of protecting our young people from the scourge of sexually transmitted diseases.

State participation in the title V abstinence program is voluntary, and for every $4 in Federal funding States receive, they must put $3 into non-Federal funding. So it is a 4-to-3 match, and yet interest in this program is very high.

Today 49 out of the 50 States are participating in the program. Over one-third of all school districts in the Nation now choose to teach abstinence education in their classrooms, and as part of their abstinence education programs, States and local grantees have launched media campaigns to influence attitudes and behavior, develop abstinence curriculum, revamp sexual education classes, start mentoring programs and implement other creative and effective approaches to encourage abstinence.

It is important to note that reauthorization of title V abstinence education program, which we did in the Committee on Energy and Commerce last week, will in no way affect Federal support for other teenage pregnancy prevention sexual programs. Let me say that again. The reauthorization of this program last week in no way affects other Federal support for other teen pregnancy prevention programs. There are at least 25 Federal programs providing funding for contraceptive and sex education while there are only three abstinence-focused programs.

Contrary to claims that my colleagues may have heard about restrictions about what may be discussed in abstinence education programs, nothing in the Federal law or the guidelines to the States prohibits the discussion of any subject.

Contrary to the claim that there is no scientific evidence that abstinence programs work, there are, in fact, 10 scientific evaluations available now showing that abstinence education is effective in reducing sexual activity.

Since 1996, the enactment of the Welfare Reform bill included abstinence education, teen pregnancy and birth-rates have been falling. That is great news, but we need to continue and build on that success. Out-of-wedlock births are often disastrous for mothers, children, society as a whole, and children born out-of-wedlock are far more likely to be poor, suffer ill health, drop out of school. In the case of boys, they are twice as likely to commit a crime, lead to incarceration by the time they reach their early 30s.

STDs have reached epidemic proportions in our country, placing the health and lives of sexually active young people in serious peril. In fact, in the 1960s, one in 47 sexually active teenagers were infected with an STD. Today it is not one out of 47, it is one out of 4. Young people need to know that having sexual relations puts them at risk not only for HIV/AIDS but also herpes, which is obviously incurable, and may affect babies during birth, resulting in severe damage or death.

Teens need to know they are at risk for human papillomavirus, PHV, which is the leading viral STD and which causes nearly all cases of cervical cancer, and they need to know that scientific research shows that condom use offers relatively little protection from herpes and no protection from HPV. Abstinence education programs provide the right information.

Too many of our kids' dreams have been cut short by poor decisions that dramatically alter the course of their lives. Abstinence education programs give our young both the inspiration and education that they need to make good, healthful decisions. Our young people look to us for clear messages and for help in setting high standards for themselves. Abstinence education programs will, in fact, give them that help.

I would yield to my friend and colleague, the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I thank the gentleman from Michigan (Mr. UPTON) for yielding me the time.

Mr. Speaker, I am here tonight to raise some very important issues and shed light on the importance of abstinence education. Some would say we are sending a mixed message with both abstinence education and sex education. To say kids are hearing two messages which are confusing and that one should go away is absurd. Do we tell them if they are going to drink and drive to make sure they wear a seat belt? Do we tell them if they are going to use potentially deadly inhalers that they should sniff slowly?

No. We know that drinking and driving is wrong, period. We know that inhaling potentially deadly substances is wrong, period. In my opinion, sex ed or the just-in-case message is the cause of confusion for kids. Just as we expect kids not to drink and drive, because of the dangers they pose to themselves and others, we should teach them to be safe, truly safe, and have self-confidence in themselves without looking for their self-worth in physical activity that may put themselves and others at risk. Just as we expect them to excel at their studies, we should expect them to excel in making wise choices for themselves.

I believe this is truly compassionate conservatism. I know that certain behaviors will affect children adversely, and to work towards helping them understand how to act and why it is important in their own lives. What are the risks of not staying abstinent? STD, out-of-wedlock births, abortion, and physical and emotional injury. Here are some facts to consider.

In the 1960s, the dominant diseases related to sexual activity were syphilis and gonorrhea. Today they are incurable viral diseases. Approximately 6 percent of adolescent females tested at family planning clinics are infected with Chlamydia, which leads to the scarring of the fallopian tubes and is the fastest growing cause of infertility, and the National Institutes on Health Workshop on the Scientific Evidence of Condom Effectiveness for STD Prevention reported that there is no evidence that condoms reduce the sexual transmission of HPV, and no evidence that condom use reduces the risk for transmission of herpes.

In 1995, the year before we enacted welfare reform, 66 percent of families with children headed by a single parent were living in poverty. Living in a single-parent family approximately doubles the likelihood that a child will become a high school dropout. Is this the legacy we should be teaching kids to pass to their children?

No. I think we should teach children to act responsibly. I want to tell my colleagues about a great program in my district, KEEP. KEEP teaches kids outside the school setting how to build

solid relationships and avoid peer pressure that might lead them down the road of sexual promiscuity. They help kids understand rules and boundaries necessary in relationships so that unplanned pregnancies can be avoided, and they do it in such a way as to make kids think, to answer questions and understand consequences, not just preach to them.

I commend them for their work and I firmly believe this approach is the correct one. Kids need to think through things before they take actions that may affect them adversely later in life.

One of the greatest tragedies of our days is not just that our babies are having babies, but that our young daughters are often taking the lives of their unborn children through abortion. Studies are beginning to show a link between breast cancer and abortion. Our young girls must be taught this, must know what the possibilities are when they choose to have sex outside of marriage and choose to have an abortion.

The psychological consequences of abortion are well known, even to women who have abortions, and the physical consequences range from the inability to conceive later to serious medical emergencies which threaten the life of the woman. Abstinence teaches self-respect and gives a path for kids to follow that does not lead them down a path like this.

There are consequences of early sexual activity, emotional, psychological injury. Sexually active youth live with anxiety about the possibilities of unwanted pregnancy or contracting a devastating sexually transmitted disease.

As the quotes we read from young people participating in abstinence programs unfortunately indicate, becoming sexually active makes young people vulnerable to emotional and psychological injury. Many young girls report experiencing regret or guilt after their initial sexual experience. So let us review.

Abstinence education teaches kids to avoid STDs, to avoid unplanned pregnancies, to avoid going down the path that leads towards abortion, to avoid the possibility of physical or emotional scars, towards self-confidence, and it gives the States the flexibility to decide which programs to fund.

It is a win-win situation all around, and I hope my colleagues in the House will support a strong abstinence education definition and continued funding for strong abstinence education programs.

Mr. UPTON. Mr. Speaker, I thank the gentleman from Oklahoma for his great statement, and I would yield to the gentleman from Florida (Mr. BILIRAKIS), my friend and colleague, and the Chairman of the Subcommittee on Health, who helped carry the abstinence reauthorization through the committee last week.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from Michigan (Mr. UPTON) for scheduling today's special order.

I, too rise, this evening to talk about an issue that the Committee on Energy and Commerce, Subcommittee on Health, which I chair, examined last week. I am referring, of course, to the Abstinence Only Education Funds, which are provided through title V of the Social Security Act.

The Committee on Energy and Commerce favorably reported legislation last week that would reauthorize this important program through fiscal year 2007. These Abstinence Only Education Funds were first included as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which reformed our Nation's welfare laws to put an emphasis on work and end the seemingly endless cycle of dependency that was present under the old Aid to Families With Dependent Children Program.

Title V allocated $50 million for fiscal years 1998 to 2002 for block grants to States for the development of Abstinence Only Education programs. To date, 49 of the 50 States have elected to participate in this program. I am very pleased, of course, that my own State of Florida has elected to participate in this program.

In fact, during my subcommittee's hearing last week, we heard from Ms. Jacqueline Del Rosario, who runs a project in Miami titled ReCapturing the Vision. Ms. Del Rosario started the program in a middle school in an impoverished area of Miami, Dade County. In its 8 years of operation, participants in ReCapturing the Vision have only a 1.1 percent pregnancy rate, and I repeat that. In its 8 years of operation, participants in ReCapturing the Vision have only a 1.1 percent pregnancy rate.

Ms. Del Rosario testified that one reason why she believes her program has been so successful is because, ''ReCapturing the Vision does not just teach teens to say no to sex, but we also build their values and cause them to embrace the future.''

Ms. Del Rosario went on to add that ''Contraceptives cannot protect a 15 year old from the erosion of her dignity and self-worth. There must be another value that causes teens to raise their standards and protect their emotional and physical health.''

She further argued that diluting the Abstinence Only message was harmful. She went on to say, ''I had heard it said that abstinence with contraceptives was a 'mixed message' but I never believed it to be true.'' However, she learned that, ''Kids need a concise and clear message. To hear it from the students caused me to believe that we must be the voice that tells them that we expect them to abstain and we believe they can do it.''

By continuing title V funding for another 5 years, we can encourage the development of more successful programs like ReCapturing the Vision. This is so critically important because the consequences of ill-advised sexual activity by young people is severe, and I asked her specifically during the hearing if the other title V programs in the rest of the country are somewhat similar to hers or at least follow basically the same concept, and her answer is, yes, they are.

Again, I want to emphasize, these are not ''just say no'' programs. They go into the broad work and the character of the individual. This is so critically important because the consequences of ill-advised sexual activity by young people is severe.

Another one of our witnesses, Dr. Joe McIlhaney, told us that, ''Sexually transmitted infection is highly prevalent among adolescents. 3 to 4 million sexually transmitted diseases are contracted yearly by 15 to 19 year olds, and another 5 to 6 million sexually transmitted diseases are contracted annually by 20 to 24 year olds.'' As we all agree, and everybody agreed, abstinence is the only sure way to prevent the spread of sexually transmitted diseases, as well as out-of-wedlock pregnancies.

□ 2015

I would like to point out one important fact that I highlighted during my subcommittee's hearing and the subsequent full committee markup. Abstinence-only programs do not prohibit educators from discussing the facts about the effectiveness of contraceptives, the spread of sexually-transmitted diseases, or any other topic that might be raised. The only requirement is that the use of contraceptives cannot be advocated; only abstinence can.

In a recently-release interim report on the effectiveness of abstinence-only programs, the highly-respected research firm Mathematica noted that, and I quote, ''Obtaining clear and definitive evidence on the success of abstinence evidence programs is a difficult task that requires time.'' Until this comprehensive assessment is complete, in spite of the fact we hear about the success rates by Ms. Del Rosario and others, until the assessment is complete, and given the anecdotal success we have learned about from programs like ReCapturing the Visions and others, we should continue to fund these programs so we can have an accurate picture of their effectiveness and to gain the value of the good that they do. The proven good they do.

I thank the gentleman for yielding.

Mr. UPTON. Mr. Speaker, I thank the gentleman from Florida for participating again tonight and for his leadership, which was certainly appreciated last week in committee.

Next I would like to yield to my friend, a member of the subcommittee that I chair, the Subcommittee on Telecommunications and the Internet, the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I thank my chairman. I appreciate that he is doing

this special order tonight to bring the message out to the people of America what this good Congress is doing for our youth.

The gentleman was here in 1996 when this Congress passed the Welfare Reform Act with this important provision.

Mr. UPTON. Actually passed it four times.

Mr. TERRY. Four times. Well, the gentleman had a little trouble convincing some other people of the importance of not only helping people up out of poverty by teaching them special skills so they could become employed, but also on such important issues as teaching abstinence to our children.

It confuses me. I was simply a city councilman in 1996 when the gentleman were wrestling with this issue and facing several vetoes by the White House then. But I appreciate that the gentleman continued to persevere through those and eventually triumph, because I really feel it has been an important message to our youth that we adopt this Title V program where we have a specific, and let me stress that, a specific program to teach abstinence to our youth. It is the first time, as I understand, that Congress did this, in 1996.

I would assume that the Congress did it for the good-hearted and compassionate reason that when we want to lift people out of poverty, it is hard when we are trying to help a teenage mother out of poverty. If anything locks someone into their current status of poverty, it is having a child when one is 13, 14, 15, 16, and 17 years old. So it was certainly the compassionate thing to do, and I appreciate that.

It is just unbelievable to me now, entering my fourth year of Congress, and, again, I was not here in 1996, but that we are having these same battles again. It is just unbelievable when we look at the importance of such a program.

Let us talk a little bit about one of the reasons why I would assume it was such an important tenet in the Welfare Reform Act of 1996, and that is to try to help teenagers learn and understand the importance of not becoming a mother or a father when you are 14, 15, 16 years of age. So we are hoping to reduce the teenage pregnancy rate. In 1994, 46.6 out of every 1,000 teenagers became pregnant out-of-wedlock. Now, what is important, since the passage of this Act and this program, as of January 2000, this teenage pregnancy rate has fallen to 39.6 per 1,000 teenagers. That is incredible improvement over a short period of time.

The abstinence education programs that Congress began funding in 1996, I believe, has significantly contributed to this decrease. Here is a chart I brought for the American public tonight, and what we see here is at the zero level. This goes back to the 1940s when teenage pregnancy was really pretty rare all the way up to, and I am going to have to get away from the microphone here, but the spot I am pointing to is 1994, the critical year of the passage of the Title V abstinence program funding. That was the peak. That was the peak of teenage pregnancy.

I do not think it is coincidental that the time that we as a Nation agreed that abstinence was an important message for our teenagers that we have seen a dramatic drop in teenage pregnancy since then. When we had our hearing last week, some of the naysayers kept telling us, there is no evidence. There is no evidence. There is no evidence. But, my God, this is pretty dramatic. Does my colleague agree?

Mr. UPTON. Absolutely. I look at my State and that is exactly when teen pregnancies began to drop. And the nice thing about this program is it is not just Federal dollars, it encourages the States to establish their programs and it becomes a match. For every $4 of Federal dollars, the States have to come up with $3. And then there are incentives and awards if they actually do work.

Michigan has had a great program under the leadership of our governor, and we have seen that work and we have seen those rates continue to decline year after year.

Mr. TERRY. We in Nebraska have shared the same statistics because we have embraced the abstinence programs. We have several school districts, our public schools, that have adopted these programs and apply for reimbursement.

Mr. UPTON. One of the things I said last week during the markup in a discussion on the bill is that I visit a school, just like the gentleman does, just about every week, because I also serve on the Committee on Education and the Workforce. I go to all different sizes. I was on the Western Michigan University campus earlier this morning. But whether it be an elementary school, a high school, a private school, a charter school, and we passed a great charter school bill earlier this evening, but one of the toughest times that I have had sitting down with students is when I have met with kids that have kids, 13, 14, 15-year-old girls. They thought it was fun until they had the child. They see now what the work is and they have a tough life ahead of them. They really do. It is all we can do to encourage them to stay in school because their lives are changed dramatically if they do not continue to get that high school diploma or GED afterwards.

And as I have sat down with those girls, kids really is what it is, they know how tough it is. And it is that message, and I am now 49 years old and they do not always want to hear from a 49-year-old guy, so it is better for them to hear from their own peers. And they do not have a very good story to tell. We really got that discussion, as I said, at a number of different schools. We just sat around the table and they outlined for me the hardships that they now face and the realization that they probably should not have done what they did. And, frankly, it was before a lot of these programs came into play.

Abstinence does work. Those programs and that funding is important, and it keeps them on a much better path. Project Reality, a group from Illinois, came out with six good reasons to fund abstinence education: One, teens want to learn about abstinence. Nearly all teens, 93 percent, said they should be given a strong message about abstinence.

Mr. TERRY. Ninety-three percent felt they needed a strong message.

Mr. UPTON. Second, abstinence is the only 100 percent effective method of prevention. We know that. Three, most teens are not sexually active and most of those who are do not want to be.

The Center for Disease Control reports that about 36 percent of high school students are considered sexually active.

Four, abstinence education teaches the benefits of marriage and family. Surveys show that three out of four teens hope to have a good marriage and family life.

But here are two things that really stand out. Abstinence education offers significant economic and sociological benefits. Teens who choose abstinence are less likely to engage in other risk-related behaviors, such as underage drinking, smoking, and the use of illegal drugs. Pretty incredible.

Mr. TERRY. So a positive message goes across the board in their life.

Mr. UPTON. That is right. It is character and all the things we want. This program builds on that.

Mr. TERRY. Building character, self-esteem, the power to say no, to make those tough choices that our teenagers have to make on a daily basis.

Mr. UPTON. That is right.

Mr. TERRY. That is what this program teaches. It is not just the sex part, but it is teaching them the internal strength to say no; to recognize the situations where they can be manipulated by their peers; to identify that situation and remove themselves, but also to teach them the internal strength, the self-esteem to be able to say no once they have recognized that situation. That is important.

Mr. UPTON. Absolutely it is. That is why we had a very strong bipartisan vote last week to get this plan adopted. I think it was 35 to 17 in the committee. We look forward to having it on the floor for debate and a vote as early as next week as part of the welfare reform reauthorization bill.

Mr. TERRY. I look forward to that. And I really believe the abstinence program the Congress passed in 1996 and we get to authorize is one of the major causes of the drop in teenage pregnancy.

But we still have a long way to go. We have to recognize that while the

hard empirical evidence may not be there for us yet, because of the fact that we are in the early stages of such an important program, that is not a reason to throw it out, as the 17 in our committee wanted to do.

Mr. UPTON. Well, imagine, as we look at the great progress that has happened on welfare reform. And it is on both sides of the aisle. The governors have done a terrific job. I have met with our Department of Social Services, now called our FIA offices back in Michigan. But as we look at the tremendous progress that we have had; more money for job training, assistance to help with health benefits, particularly Medicaid for families that before had an incentive to stay on welfare rather than go on to work, take a look at this program, the abstinence program, it is such a small amount of money really relative to the whole scheme of things. Fifty million dollars.

Mr. TERRY. Fifty million dollars.

Mr. UPTON. But look at the importance. Look at that drop, that fall off of the cliff of the birth rates for unmarried teens. Imagine if we went back to this program, to reauthorize it, as the governors have asked, and I think we have a strong bipartisan majority, certainly both in our Committee on Education and the Workforce and the Committee on Energy and Commerce, the committee we both serve on, but in this Congress as well, and imagine if we saw this program come to the brink of whether it gets reauthorized or not, something that all of us want, and somehow this program for abstinence was not included, despite the numbers showing the very positive effects of having this program included. Imagine if we just said no, we are not going to do that and then watched those numbers then rise.

Now, the jury is still out. We will see what the Congress does, this side as well as the other side of the Capitol, but imagine if all of a sudden we do not do it and the numbers go back up. Think of the impact on those kids that the gentleman and I see every day and of those families in virtually every single community across the country. I do not know that I could vote for a bill without this program.

Mr. TERRY. Not only on the sure ways that it affects teenagers' lives, but just think of the message that Congress sends, the message we would send the American public and the teenagers, which is that we do not care whether they abstain. Our only message is to teach them how to put a condom on right. That is a terrible message to send to our teenagers today that are looking, as the gentleman said earlier, for the right message.

Now, in this chart, and the gentleman and I have just talked about the importance of teaching a message to our teenagers to abstain from sex to prevent an unwanted pregnancy and, in essence, putting themselves into a position of perhaps perpetual poverty, but it is also health reasons, as we discussed in great detail in our committee last week. It is sexually-transmitted diseases.

As we have learned from the testimony, and the chairman of our Subcommittee on Health was up here and gave some great testimony from his witnesses that testified before his subcommittee, but the testimony that was presented to the rest of us in our committee was that when we really look at the true science of other ways of preventing STDs, sexually transmitted diseases, and how infective they can truly be, there is only one 100 percent sure way to avoid a sexually transmitted disease.

□ 2030

Mr. Speaker, from the testimony in our committee, I was very, very disheartened. It was depressing to learn that 3 million teenagers per year get a sexually transmitted disease, some of which they can never get rid of. It is not just go to the doctor and get a shot; some are deadly, or stay with them for the rest of their lives.

Mr. UPTON. Mr. Speaker, we learned that some of those diseases are not prevented with the use of a condom.

Mr. TERRY. That is right. The Journal of the American Medical Association published the results of a study on the effectiveness of condoms, which are the focus of most of the safe sex programs out there. It is 1,251 women whose partners consistently used condoms participated in the study. By its end, 34 percent of them had either contracted a sexually transmitted disease or became pregnant.

How do we teach our children safe sex, how to use contraceptives, how to use a condom, and look them straight in the eye and say they are safe?

Mr. UPTON. They are not. That is what the answer was, they are not. That is why this is the program that works best of all.

Mr. TERRY. Mr. Speaker, I was frustrated with the attempts for amendments in our committee by that small minority, and I am pleased that it has been pointed out this is a bipartisan effort. The vast majority agree that the abstinence message is the correct one for our teenagers. It is disheartening that there is a small minority out there.

Throwing away scientific studies, how do we look a teenager in the eye and say this is the proper way to put on a condom, and send them a message of abstinence at the same time? To a 16-year-old, that is tacit to approval, when an adult says the best thing is to abstain, but we know that you are not going to, so I am going to teach you to have safe sex using condoms correctly.

Now the testimony that the gentleman received in the Subcommittee on Health, and I truly believe to be plain common sense, that is tacit to approval. While safe sex education may be a proper place for parents and even in some discussions in more formal settings outside of the house, the fact of the matter is I do not know how we teach abstinence and safe sex at the same time. That is one of the issues that we are going to face when this bill is brought to the House floor. We are going to have to beat back several amendments to try and change an abstinence program into a safe sex program.

As I understand the way it works in Nebraska, and perhaps the gentleman can expand on how it works in Michigan, an entity, we have all the way from the Girls and Boys Town U.S.A., to Norfolk and Omaha public schools, to scouting that will adopt an abstinence-only program and teach that. Then they apply for reimbursement from the Federal Government out of that $50 million that we will allot with the reauthorization of this program. So it is not that we mandate on the public schools or other entities that this is the only thing that they can do. We say this is the most effective message or at least that is what I say is the most effective measure how to teach our children how to avoid sexually transmitted diseases and unwanted pregnancy, but we are not mandating. We are saying we will help you with the cost of this. I am proud in Nebraska we have several successful abstinence programs in place today.

Mr. UPTON. Mr. Speaker, we have been able to talk to participants that have participated in the program across the country. Whether it is Nebraska or Michigan or South Carolina, just about every State, and California is the one that does not participate, but the other 49 States do. In almost every single State we have testimonials from students that have participated that have said thank you. For those that did involve themselves with sex before, they are sorry. They talk about it in a number of testimonials that we have. It is important, and it is that type of peer pressure that works that we build upon as we see this program work in State after State after State.

Mr. TERRY. Mr. Speaker, according to our Nebraska Health and Human Services, since the program was implemented in 1996, we in Nebraska have brought this program to 15,000 students. It takes time to get a program like this up and running, the curriculum set, the standard set so they can move forward. 15,000 students is only in the last couple of years. But to exemplify the message that the gentleman just gave, let me read a letter from Girls and Boys Town. It used to be Boys Town, but they changed name to Girls and Boys Town.

In this letter it says, ''Risk reduction sexuality education has been funded for many years. We are asking only for an equal opportunity to promote risk elimination. Changing the definition of abstinence to include birth control information and promotion will make it nearly impossible to tell which approach is the most effective in keeping our youth safe from disease and out-of-wedlock programs.''

The counselors and the people that have developed the program at Girls and Boys Town are national leaders in this, and that is what they say: It confuses the message. They simply want the opportunity, when we have had years of funding sex education and reduction, let us go to prevention and teach that message. One more quote, if the gentleman will allow me to close with this, and I thank the gentleman for having this conversation with me.

This is from Lancaster County, that is Lincoln, Nebraska, and those in Michigan know where Lincoln, Nebraska is, the home of the University of Nebraska. In the city of Norfolk, they have probably the most established abstinence programs in Nebraska.

Mike Huckabee, one of the counselors that helped develop this one in Lincoln, wrote to us, and forgive me for being a little wordy, but he has a paragraph that I think nails it for us. ''Is abstinence effective? I firmly believe it is. Can I provide you with the evidence? The faces of those young people and parents tell me this is the message they are seeking to hear. They tell me they do not want the risk of STDs and pregnancies, that sex is not worth that. They tell me they can wait, they just need someone to support them in that decision. The evidence is around the corner, but for now I can only point you to the families who continue to tell us in droves to keep sending the message of abstinence until marriage, nothing else works. Abstinence works.''

Let me go back to one sentence in my conclusion here. They just need someone to support them in that decision. Our teenagers, as the gentleman pointed out, are looking for their parents and the adults in society to support them in their decision for abstinence, and it is incumbent upon us in this Congress to support our teenagers when they decide to abstain from sex.

Mr. UPTON. Mr. Speaker, I thank the gentleman for his remarks tonight. As we look at a host of issues over this last year, a number of the votes that we have cast on other things, we have asked for science and the right equations be used as we cast these yes and no votes. The science is here. We know that this program works, and it would be wrong to deny this as a part of welfare reform as we look to have it reauthorized and continue to work and do what all of us want to have happen, and that is to move people that are currently able-bodied and have the tools to in fact lead productive lives and lead their families out of welfare and into a productive sector of our economy. This is a program that works.

The science shows that it does, and we have to make sure that we not only continue it, but we build upon it, allowing the governors to have the flexibility to match with their dollars to save more lives. That is what it is all about.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I thank the gentleman for his efforts in this regard.

I have listened to this debate tonight and I hear when people are talking about abstinence and all of the statistics, but let me give one actual fact. In one city that I represent, I had some of the leadership in that city that came to me and they said this, which just startled me. They said that 81 percent of the live births in that city were to unwed mothers, mostly teenagers. If we just stop and think about that, 81 percent, the economic and social consequences from that are enormous. The programs that they have been using, you can list all of them, but the one that is not there is abstinence education. We say this is a child problem. This is not a child problem, this is an adult problem.

I was amazed in Virginia when I had legislation there that would have allowed us to have abstinence education as a part of their curriculum, and in doing the debate and going through all of the issues that were there, there was one real culminating statement that was made by the opposition, and this was just to whether or not we should allow abstinence education to be taught. Somebody on the other side said we should not even teach abstinence education because it would confuse our children. If you do not think that our children are confused, all you have to do is spend 24 hours with them, and they are pulled in every direction imaginable, and they are looking to us not to confuse them more, but to set standards.

We do that every day. In government classes, we put them in at a high standard because we want them to be the best they can be in government. In English courses, we set a high English standard, and we say this is where you ought to reach and aspire to attain to. In our mathematics courses, we also do that.

The real question for us today is not whether abstinence works, it is whether or not we want it to work. The real question is not whether this standard is too high, it is whether we want a standard at all.

I have a great example of a student that I know back in one of the cities that I represent. He is now the most popular government teacher in that entire city; and yet he was at a point in his career when he was in high school, he did not know what he was going to do. One day a principal walking down the hall looked at that student, called him by name. He turned around and said, you would be a good teacher, you ought to be a teacher. Then he turned around and kept walking down the hall. It changed his life because that principal cared enough to set a standard and say you can do this. He became the best government teacher in that particular city.

Mr. Speaker, imagine if that teacher would stop our students and say when it comes to all of the problems that you have with sex today, if you would have abstinence, look at what would happen. One thing that we know is not every child would reach that goal, any more than they would in government or mathematics or English when we set high standards. But we know the ones that reach that goal, here are the things that would not happen to them: That student would not develop a sexually transmitted disease because of their abstinence; that student would not get an unwanted pregnancy because of their abstinence; that student would not keep from developing the career that they had always dreamed of because of that decision regarding abstinence; that student would not keep from going to college because of their decision to have abstinence. It certainly would not cause them to suffer from the guilt of making a bad decision that could negatively impact them for the rest of their lives.

□ 2045

But I would say to our chairman, despite all of your good works and all of the discussions we have heard here tonight and will continue to hear, I do not think we are ever going to reach the goal of having abstinence education in this country until parents really are demanding of us as leaders and educators, when they stand up and say our children deserve to have a program that works, and abstinence works.

I just thank the gentleman for his efforts on this. We will continue to work to make sure that all of our children get an opportunity to hear this standard and can strive to reach it.

Mr. UPTON. Mr. Speaker, I have a question of the gentleman. I know he is a great leader on this when he was in the legislature before he ran for Congress. Have his numbers been like Michigan's and other States across the country? Has the gentleman seen a real decline in pregnancy rates among teen moms?

Mr. FORBES. Ours is still at a point where it is too early probably for us to statistically be able to answer that. We believe that is what the numbers are indicating.

But let me tell you an even more compelling fact: I spend a lot of time going around to schools. I do not think one can just read about what students are thinking in a magazine or in a document or have some lobbyist tell you and that be the fact. I think the way you find out is to go in the schools and talk to the students.

There is not a school in my district that I am not in every year, once a year at least, talking to those students. When you do, and you sit down and you look at them and you talk to them, they are the ones that tell you this program works. They are looking for standards.

They are looking to us. We have been there. They do put more credibility in us sometimes than we give them credit for. When we tell them you can do well

in college if you just try, a lot of them do that. When we tell them that abstinence works, it does work and they see the proof in the pudding. But if we tell them nothing, then they have no standards, no goals to reach.

So I suggest it is working not just because of statistics I see on paper, but looking into eyes of students I get to talk to, and they tell me it is working.

Mr. UPTON. I appreciate the gentleman's leadership. In the days past, and, obviously, in the days ahead, we have some big votes next week if we take this welfare reform bill up. This is an important component of that. I am delighted we passed it out of my committee, the Committee on Energy and Commerce, on a strong vote of 35 to 17, and we have to make sure we carry the day when we take this issue to the House floor for debate next week.

Mr. WILSON of South Carolina. Mr. Speaker, Heritage Community Services was formed as a coalition of community-based abstinence educators from across South Carolina with combined experience in the field totaling nearly 75 years. It was awarded a Title V abstinence education grant for implementing a state-wide program in 1998. Schools and communities have responded enthusiastically.

The Heritage programs are community-wide, serving more than 29,000 adolescents. The program's founder and CEO, Mrs. Anne Badgley, has been invited to address a number of Title V training programs across the country, as well as brief Pentagon undersecretaries of defense, the Army and Navy, and has testified before Congress.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order just given.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE ABCs OF SECURING THE FUTURE OF OUR CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. BOYD) is recognized for 60 minutes as the designee of the minority leader.

Mr. BOYD. Mr. Speaker, I appreciate the opportunity to address the House and Nation tonight for a few minutes. The Blue Dog Coalition is going to use this hour to talk a little bit about ABCs.

Mr. Speaker, some may wonder, well, that is unusual for the Blue Dogs to be talking about the ABCs, but let me tell you a little bit about the Blue Dogs. We are a group of 33 Members of Congress, men and women, from all around the Nation that spends a great deal of our focus and efforts and time and resources here in Congress asking the Congress to act responsibly in its fiscal and budgeting matters.

We believe that this Congress and this Nation in the last year-plus has moved away from fiscal responsibility, and, as a result, we are endangering our children's future. So what we want to do tonight, Mr. Speaker, is talk about the ABCs of securing our children's future.

When Congress considered the budget last year, Mr. Speaker, the Blue Dogs warned about the danger of making long-term commitments for tax cuts or new spending programs based on projected surpluses. In less than a year's time, we have seen a dramatic reversal of the once promising budgetary outlook. We now face projections of deficits and increasing debt for the rest of the decade that go far beyond the temporary impact of the economic downturn or cost of the war on terrorism.

Congress and the President need to sit down, we need to roll up our sleeves, and we need to have an honest and open discussion about what we need to do as a Nation, as a Congress, to put the budget back in order, starting with the ABCs of fiscal discipline.

The Blue Dogs have outlined four solutions to avoid leaving our children and our grandchildren with the consequences of today's irresponsible budgeting decisions. The members of the Blue Dogs who are here tonight to address this House are going to talk about those four solutions. I want to outline them very briefly.

Number one is assuring honesty and accountability. We believe that the Budget Act of 1990, which expires later this year, should be reinstituted by this Congress. Unless we renew our budget discipline, Congress will continue to find ways to break its own rules and pass more legislation that puts more red ink on the national ledger.

The Budget Enforcement Act, of course, has two major provisions. One, it sets in place discretionary spending limits for 5 years; secondly, it extends and expands pay-go rules. The pay-go rule is simply legislation that says that mandatory spending or revenues that increase the deficit must be offset.

Secondly, the ''B'' of the ABCs is balancing the budget without raiding Social Security. We believe that this Congress should pass a balanced budget amendment to the Constitution which makes it a violation of the Constitution to deficit spend, unless there is an extraordinary vote of the Congress or an extraordinary reason to do so.

Thirdly, we believe that the third point that we would advance is what we call climbing out of the deficit ditch. That is, there should be a plan to restore balance to our Federal books, and that, of course, is going to be an issue that we get to talk about a lot in the near future because of the need to raise the Federal debt ceiling.

Fourthly, the fourth part of our ABCs is Defending Our Children From Paying Our Bills Act. This would require a supermajority to borrow money by the U.S. Congress. Many in this Chamber have, over the years, proposed that we would require a three-fifths vote to consider legislation that would raise taxes or some other sort of supermajority. Many of the Members of Congress support this notion, and we think that there ought to be also legislation which would require a three-fifths vote to borrow money.

I would like at this time to call on Members of the Blue Dogs, Mr. Speaker, that are in the Chamber. I would like to yield first to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Speaker, I want to thank my friend and colleague, the gentleman from Florida (Mr. BOYD) for yielding. Let me first express my sincere appreciation for his leadership. He has been a consistent Member of Congress, not only of our Blue Dog Coalition, that has been steady at the helm in trying to bring attention to a problem with deficit spending and the need for balancing the budget and staying within our means. I appreciate coming on after his leadership being here before I entered Congress and helping us steer this direction. So I thank all my fellow Blue Dogs for giving me the opportunity to speak about a very important issue.

This is not our first and only time of trying to make this issue more paramount and put emphasis on what really needs to be done as we get through this session in terms of the money that is available and what we have hanging over our heads as debt in this country and the priority of our spending needs and how we should look at balancing the budget.

So tonight I just want to focus my time on discussing the Blue Dog plan for putting the budget back in order, starting with fiscal discipline. The Blue Dogs have consistently focused on fiscal discipline, having advocated honesty and responsibility in the budgeting process.

When Congress considered the budget last year, the Blue Dogs warned then about the danger of making long-term commitments for tax cuts or new spending programs based on projected surpluses. The projected surpluses were based on the very best of the situation that we were realizing through the high peaks of the economy in the last several years. That is not good, sound fiscal policy, to base anything on the very best. I believe we should look at the more reasonable moderate projections.

We did not. So, in less than a year's time, we have seen a dramatic reversal of the once promising budgetary outlook. We now face projections of deficits and increasing debt for the rest of the decade that go far beyond the temporary impact of the economic downturn or cost of the war on terrorism.

Congress and the President need to sit down, roll up our sleeves and have an honest discussion about what we need to put the budget back in order, starting with the ABCs of the fiscal situation we bring to your attention tonight.

The Blue Dogs have outlined four solutions, as the gentleman from Florida (Mr. BOYD) opened up our session tonight to say, to avoid leaving our children and our grandchildren with the consequences of today's irresponsible budgeting solutions.

The reason we keep drilling that point home about our children and our grandchildren is because we try to focus on what all of us hold sacred and dear, and that very much is an emotional tie back home to the real world. Sometimes the disconnect out here makes I think a lot of times people feel like we are not real people with real families, with real needs, and that we are somehow someone different.

We are just like any of you out there, and that is why we are trying to say we should treat this budget, which you have sent us here to lead the country with, as we would treat our own, that affects our own household, our children and our grandchildren.

So, we have outlined four solutions to avoid this particular problem. We want to assure honesty and accountability, and budget enforcement. Unless we renew our budget discipline, Congress will continue to find ways to break its own rules and pass more legislation that puts still more red ink on the national ledger. Enforceable budget restraints will shine a light on deceptive practices and construct a fiscal guardrail, keeping our spending within the Nation's fiscal means.

We are a unique body here. We can break the rules. We do, too often. And, guess what? We do not get caught at it often enough. That is what is happening here right now as this session unfolds. We are not dealing with the real numbers. The American people are not being told the true story, and yet they are being led to believe we can do all the good things that we asked and requested and promised we would do in our campaigns to get here to do what once we get here? To continue the deception? Or to lay it out in real terms, as we should, in honest measures. So budget enforcement is a real item.

□ 2100

Balancing the budget without raiding Social Security. There is not one politician, not one campaigner, who said anything about getting into the Social Security trust funds or the surpluses. In fact, we said we have them locked away, right? Well, someone found the key. And when we open that door, there is an IOU there adding on to the other IOUs that we put on the American people for the past several decades. So this is adding on to the deficit that we already have in the Social Security and Medicare trust funds.

So we want to balance the budget without raiding Social Security. Well, how do we do that? Well, we need a constitutional amendment. We must vote on a balanced budget amendment to the Constitution that requires the President to submit, and Congress to enact, a budget that is in balance without using the Social Security surplus. Now, that takes courageous leaders. Every one of us claimed that we would be and that we were in order to be elected. Now we are here. Let us produce it. Let us not lend rhetoric; let us prove that we are those leaders that can make the tough decisions.

The amendment, to my way of thinking, could be waived in times of war or disaster, military conflict, or other threats to our national security. That does not mean that the present war on terrorism that we are in dictates the need for us to get into the Social Security and Medicare trust funds; it does not. Without the tax cuts that were imposed and the surpluses that were eroded and squandered because of that and other reasons, because of things that we did not look at last year or anticipate or ignored, whichever word we want to use to serve our purposes better, that is why we are where we are now. But we are talking about a military conflict or national security being compromised that is beyond our control, not because of what we added to the mistakes to get us to where we are now.

So I believe that a constitutional amendment is very much needed, and I am prepared to support it.

This would also include excluding the Social Security trust funds. Balancing the budget is meaningless if we borrow from our children and our grandchildren, as we said, to do it. This bill improves on other balanced budget amendments by excluding the Social Security trust funds from receipts. It is more of a crutch to lean on if we still depend on the Social Security trust funds to say we are going to have a constitutional amendment, not to get into the Social Security trust funds. So excluding those trust funds from the receipts would, I think, serve the purpose to keep us fiscally restrained and on the right path.

It also provides that when the trust funds begin to run a deficit, then Social Security would be placed back on budget, requiring that the government account for deficits elsewhere in the budget. See, that is what we do not embrace too often. We divert the attention away from those other things that sort of creep up in the budget, but we do not want seemingly the American people to discover what those are, so we divert it to the other priorities and things that we know that are popular. At least some want to do that.

Climbing out of the deficit ditch. Debt limit with a plan. Now, I have heard people on this floor of the opposite party say, show us your plan. Well, the plans that we have had cannot even get out of the Committee on Rules for a debate on the floor or to be voted on. Do we know why? Because they are afraid it would pass. It makes too much sense. It would put too much marginal people running in an election year on a compromising path. That is too uncomfortable. Let us deal with that later. That is the common cry we hear. Later, later, and the next thing we know, we are in our grandchildren's generation.

Blue Dogs believe that Congress has a responsibility to cover obligations through the end of the fiscal year, September 30, 2002, but that raising the debt limit by $750 billion as requested by the President is risky business, folks. First, the President and Congress must create a plan to put our fiscal house back in order, just as a family facing financial problems must work with a bank to establish a financial plan in order to get approval to refinance their debt, all their debts. That is all we are asking. It makes sense.

Defending our children from paying our bills. A supermajority, a three-fifths vote, would be required to borrow money. That is what I feel would be one of the four points of our plan that should be followed. All too often, we as Congress people and the President have been unwilling to make the tough choices to balance our priorities and have chosen to leave future generations, as I said and emphasized, to pay the bill for policies which benefit the current generation by increasing the borrowing. Making it harder for Congress to borrow money, just as we should make it harder to increase taxes, by requiring a supermajority, will protect the rights of future generations who are not represented in our political system, but will bear the burden of our decisions today.

Finally, just let me leave my colleagues with a personal situation. Being from Illinois, having served 14 years in the Illinois House, I have a little bit of knowledge of what goes on there with the budgetary policies in Illinois. Illinois, like probably all of the State legislatures across our land, shared the same maybe artificial enthusiasm, maybe overexaggerated the good times of our economic peaks as we have had in the last few years and said everything is hunky-dory, no problems. What that meant is, Members, bring your projects, bring everything to the forefront here and smooth sailing, because we are rolling high.

Well, in Illinois, just as here in Congress, a year ago, or even before that, Illinois was in good shape, fiscally in good shape. But because of misguided management from the top in Illinois, and too many that took advantage of an artificial, overpromoted situation, guess what now? We have prisons in my district, and we have unemployment rates exceeding 12 to 15 percent down State, southern-most Illinois. We are good neighbors in saying, we will take in the prisons in our communities where other parts of the State said, no, we do not want those kind of jobs here in our community. But we were hurting enough with the coal mine shutting down and a lot of other depressed, deprived situations in our economy, we said, we will be a good neighbor.

So I have one of every kind of penal institution the State has to offer in my district, even in my old State district,

and we are proud to promote those economic jobs, economic builders. But now, now the Governor of Illinois and leaders of the State are saying, we have to close some of these prisons because we are broke. Somebody was asleep at the switch, and our own comptroller of the State over a year ago said, you better have a rainy-day fund, just like you do in your household when that roof might leak. Instead of just continuing to mop it up and treating the effect; you have to get the source of the problem where the hole in the roof is. That is what we have ignored in Illinois, even though there are a lot of good leaders who sounded the alarm, both in the legislature and constitutional officers, but not enough of the authority at the top.

So now we even have threatened Medicaid patients that will not get their due service, many that are the most vulnerable of our society, senior citizens. This is terrible. It could have been avoided. That is why we are stressing this four-point plan. Let us do what is responsible. Let us get to the source; and the source is recognizing that there should be honesty in budgeting, recognizing the true source of funds that we have that the Congressional Budget Office is reporting, instead of turning our heads the other way, hoping that the economy is going to get better and maybe make us right at some point down the road. That may be too late. Let us embrace what reality obviously is serving us now.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Illinois. It is obvious to me, as he described his experience in the State legislature, that his State, like mine, is prohibited from borrowing money and must balance its budget. I believe that is the way that the Federal Government should do; and certainly one of the shortcomings in the way our Constitution is drafted is that we are allowed to borrow money in ordinary circumstances and, actually, we did run deficits from the late 1960s until about the year 2000, primarily in peace times. So we had a wonderful opportunity here in the 1990s, or here in the year 2000, 2001, now that we have worked so hard to get back into balance to do some really good things and pay down the Federal debt. We seem to have passed, or missed, that opportunity.

Mr. Speaker, I yield now to the gentleman from Utah (Mr. MATHESON), a member of our Blue Dog team who is actually a rising star in this Congress, I believe; and he is an excellent blue puppy.

Mr. MATHESON. Mr. Speaker, I thank the gentleman for his leadership. As one of the cochairs of the Blue Dog group, I just appreciate all he does. I am real proud to be a part of the Blue Dog Coalition, a group of 33 fiscally-conservative Democrats who like to talk about being fiscally responsible. We have been coming out here many times, Tuesday night. Every week we have been coming out here for the last few weeks, and we have been talking about issues of fiscal responsibility; and in particular, we have focused on what we see as a growing concern about increasing the debt that we incur in this country.

Now, we have just been talking about this four-point plan; and I want to talk about one of those points, which is the notion that we need to climb out of this deficit ditch that we have gotten ourselves into in this country.

The Secretary of the Treasury has come to Congress three different times now and said, we are really up against our debt limit; we need Congress to raise our debt limit, and we need Congress to raise it by $750 billion. Now, that is a lot of money. We talk about numbers and throw out figures in Congress a lot, but $750 billion is a lot of money. What is unfortunate is that that request comes in with no plan, no suggestion of how we are going to get out of this pattern of deficit spending. I just do not think it is appropriate, and the Blue Dogs do not think it is appropriate for us to just give a blank check to both Congress and the administration to run up another three-quarters of a trillion dollars in debt.

We have been talking about this issue for the last few weeks. Some people say, why do you keep talking about it? Because this issue has not gone away and, no matter what we do in the short term, this issue is still not going away. It is not going to go away until we figure out a way to behave in a responsible way.

What the Blue Dogs are suggesting is this, for the short term. We recognize that this country faces some short-term deficit pressures. We understand we have a war on terrorism and homeland security concerns that are taking more resources than we thought would be needed when we passed a budget a year ago. We recognize the economy is in a recession. We do not want to force the government to have to take extraordinary actions because it is bumping up against the debt limit. So as a short-term proposal, our suggestion is that we do increase the debt limit by $150 billion, not $750 billion, but by $150 billion, which is still a lot of money; but that is the circumstance we are in right now. We think that will take us through the obligations of our current fiscal year, September 30 of this year.

Now, as part of this plan, what we are suggesting is that we offer this increase in the debt limit of $150 billion, but that it comes with a couple of other provisions. First is that we are going to prohibit any increase in debt limit beyond September 30 without a defined plan to balance the budget. It requires the President to submit to Congress, and for us to enact, a plan to balance the budget without using the Social Security surplus.

Now, we do not have to pass exactly what the President submits; but he has to submit something, and we have to pass something that is going to show that we get our budget in balance by the year 2007. So we are not talking about something radical that has to be done instantaneously as of October 1 of this year; we are allowing some time to get on the path to a balanced budget. But we are not going to offer too much time, because if we do not show some discipline around here, we are just going to keep running up more debt.

We also in this legislation, in offering to raise the debt limit by $150 billion, we require that the President conduct an annual threat vulnerability assessment, so that we can develop a coherent homeland security strategy. How life has changed since September 11. These were not issues that we were facing as a country, and these are critical issues; and Blue Dogs support the efforts of this country to address terrorist threats and provide homeland security.

□ 2115

We are adamant that it is important. We support those efforts, and it is going to take resources to conduct those efforts. We understand that.

But we need to address that new challenge in a rational way, and that means it is important that we have a defined homeland security strategy so that we as Congress can behave responsibly and fund in an appropriate way what it is going to take to provide reasonable homeland defense.

I think that this is a reasonable proposal. I think the Blue Dogs as a group feel real strongly about doing this. We may not be right on everything. We are open to suggestion. I call on other Members of Congress from both sides of the aisle, please discuss this plan we are promoting tonight. We are very open to suggestion. That is one of the hallmarks of the Blue Dogs is that we are happy to talk with anybody and put the numbers out on the table and have a frank discussion. It is too important for this country not to do this.

So we are going to keep coming back here and we are going to keep talking about this issue until Congress behaves in a responsible way. We are not going to just go off and agree to raise the debt limit by $750 billion with no plan, no sense of how we are going to get out of this, and dump it on the next generation. That is just not what we should be doing here. Our constituents did not elect us to avoid the tough decisions; they elected us to take on the tough issues. That is what the Blue Dogs are trying to do tonight. We are trying to start this dialogue with this four-point plan.

I encourage all of our colleagues to take a look at it, and let us let the dialogue begin.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Utah. He makes a good point. I think any prudent family or business or local government in Utah or in Florida that suddenly found themselves in a situation where their spending obligations were greater than the revenue they were taking in would sit down with their

family or business partners and maybe their banker and develop a plan in a hurry to figure out how to get out of that situation, to get back into black and out of red ink.

So I want to commend the gentleman from Utah for his very thoughtful presentation and his involvement in this process of helping us develop this four-point plan.

Mr. Speaker, I yield to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I want to thank the gentleman from Florida for yielding to me and for his outstanding leadership, not only for the Blue Dog Coalition, but for this Congress and what I think are the next generations.

Mr. Speaker, this is not rocket science. Anybody that can add and subtract can figure this out. We know what we need to do. A year ago at this time, the Blue Dog Coalition met with the director of the Office of Management and Budget, Mr. Daniels. He made a presentation to us at that time.

He said this, and I will never forget it. He said, our greatest fear is that we are going to have so much money we are going to pay off all of the debt, and no one will have a safe place to invest their money because there will not be a U.S. Treasury bond.

When we hear that said now, it seems absolutely and utterly ridiculous. To the Blue Dogs at that time, it seemed a bit risky and foolish to even think that way, but the fact is, we have squandered the surplus. We have squandered a great opportunity in this country. One thing that we know we must get under control is the spending. We know that we cannot continue to borrow and spend and pass the debt on to our children and grandchildren.

The Blue Dogs have a four-point plan. We have worked diligently to come up with an honest assessment and an honest plan for what we need to do in this country to protect our children and grandchildren.

We come to this floor almost on a weekly basis, and have a great debate about protecting the unborn. I personally believe that we should, and I always vote to protect the unborn. And yet, we will come here and vote for a policy that will allow us to pass massive debt on to the unborn. We vote for a policy that allows our fighting men and women to go overseas and serve this country with great distinction, and then we ask them, now, after the war is over, after their fighting is done, come back to this country and go to work, because we borrowed the money from them to pay for it.

That is not right. It is immoral for us to continue to do that. Our plan would provide for the Budget Enforcement Act of 1990 to be enhanced and reauthorized. It would provide that if we are going to spend additional money or we are going to reduce the amount of money coming in to the government, that we would reduce spending in a way to go along with that so we maintain a balanced budget.

We provide a constitutional amendment that would allow this country to have a balanced budget without using the Social Security trust fund money to do it. It is not a balanced budget if we have to borrow the money from the Social Security trust fund to pay the bills. It is not a balanced budget if we just imagine that it is going to be balanced some day, like we have done in the past year. We cannot continue to do that.

The Social Security taxes that are paid in by the senior citizens, that have been paid in by the senior citizens, and that are paid in today by the working men and women of this country are supposed to be used and set aside in a trust fund to pay the Social Security benefits when those people come of age.

But right now, it amounts to only another income tax that is paid by the working men and women of this country, because we are spending every dime of it. We are not making any provisions to preserve the trust fund. We are not making any provisions to see that these obligations that we have when these people come of age to draw that money, that they are going to be able to receive it. It is irresponsible, and we should not continue to let this happen.

It is amazing to me that we can have a budget this year that does not provide for medicine for our senior citizens in this country. We are going to spend money on a lot of things in this budget. We are going to appropriate money for a lot of things. Some of them are absolutely critical, but very few are more important than the good health of our senior citizens.

It is amazing to me that we should allow one more year to pass in this Congress and not have a prescription drug benefit for our seniors because we have squandered the opportunity. The Blue Dogs have a plan to get out of the deficit ditch. We have a plan to prevent our children from having to pay the debts that we run up.

I think it is time for the Congress and the administration to sit down, be honest, look at the real numbers, look at what we know we have to do, and not continue to pass the burden on to our children and grandchildren.

One of the things I am proudest of in the time that I have served and represented the First Congressional District in the United States Congress is being a member of the Blue Dog Coalition. I think it is one of the most honest, determined groups that exist in this Congress. I think that their integrity is held together because they believe this is the right thing to do.

I want to say once again how proud I am of their plan, and that I think that the Congress should take a serious look at this plan and pass these bills that we are proposing, and do something real for the future of our children.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Arkansas for his leadership. He has been a leader, especially on the health care issues, as a member of the Blue Dogs, and has worked diligently on the Patients' Bill of Rights, a prescription drug plan, and others, in addition to the fiscal and budget issues. So I thank the gentleman from Arkansas (Mr. BERRY) for being here tonight.

Next, Mr. Speaker, I yield to the gentleman from Arkansas (Mr. ROSS), his delegation mate, the blue puppy.

Mr. ROSS. Mr. Speaker, I thank my good friend, the gentleman from Florida, for yielding to me, one of the co-chairs of the Democratic Blue Dog Coalition.

We have heard a lot of talk tonight about the Democratic Blue Dog Coalition. We are a group of 33 fiscally conservative Democrats that believe we ought to get our government, its budget, and our debt under control.

We are a group that is sick and tired of all the partisan bickering that goes on at our Nation's Capitol. It should not be about what makes the Democrats look good or bad or the Republicans look good or bad; it ought to be about doing right by the people who sent us to the Nation's Capitol to be their voice in government.

About this time last year, there was a lot of debate going on in this very Chamber about a surplus, a surplus that was projected to exceed $5 trillion over the next 10 years. Back last year when we stood here on the floor of the United States House of Representatives and talked about this projected $5 trillion surplus, the Blue Dogs tried to bring some fiscal responsibility to this Chamber and to the floor of the United States House of Representatives.

As that debate was going on, I voted against the Democratic budget last year. I voted against the Republican budget. I am trying to be bipartisan here. The Blue Dogs developed their own budget, and back in the days when we thought we had a surplus, when we were told that we had a surplus of $5 trillion over the next 10 years, here is what the Blue Dogs had to say about it 1 year ago.

We said that we ought to take that surplus and take 50 percent of it and pay down our Nation's debt, that we should take 25 percent of it and provide a tax cut for working families and those who need it the most, and take the remaining 25 percent and do things like truly modernize Medicare to include medicine for our seniors, strengthen our national defense, something we were talking about way before September 11 ever happened.

Of course, the Blue Dog budget failed. It did not pass. We passed a budget, or this Chamber passed a budget, without my vote, and now we have another budget before us this year which I voted against, a budget where in less than a year we went from talking about a $5 trillion surplus over the next 10 years to a budget for fiscal year 2003 that some say will cause us to deficit spend $80 billion, on the conservative side, and some say we will deficit spend to the tune of $120 billion.

Throughout the debate last year, we were told we had a surplus but it will not materialize. Rather, for the first time since 1997, this year's budget, fiscal year 2003, will put us back in the days of deficit spending for the first time since 1997. But when they were talking about that supposed surplus last year, we did not hear a lot of talk about the debt, a 5.9 trillion national debt.

Some people think we spend too much money in this country on food stamps. That is a couple of billion dollars a month. Some people in this country think we spend too much on foreign aid. That is $1 billion a month.

Mr. Speaker, we spend $1 billion every single day in America simply paying interest, not principal but interest, on the national debt. How much is $1 billion? I put that number in my calculator and I get that little ''e'' at the end.

What does it mean to us in our everyday lives? I will tell the Members what it means. One billion dollars can build 200 brand new elementary schools every single day in America. The $1 billion we are paying every day in interest on the national debt can complete important infrastructure projects.

In my congressional district, in the southern half of Arkansas, I have three interstates pending right now. There is Interstate 49. Give me a day and a half of the interest that we are now paying on the national debt and I can complete Interstate 49. Give me about a week of it and I can complete Interstate 69. Give me a few hours of it and I can complete Interstate 530. These are projects that are vital to provide economic opportunities for people from all walks of life.

□ 2130

That is what this debt means to us in our every-day lives, and the drain it is having on being able to do things like truly modernize Medicare to include medicine for our seniors. Medicare is the only health insurance plan I know of that does not include medicine, yet it is the plan that nearly every single senior citizen relies on day in and day out to stay healthy and to get well.

My grandparents left this country just a little bit better off than they found it for my parents. And my parents have left this country just a little bit better off than they found it for my generation. But I wonder, is this Congress, is this Government, is our generation going to leave this country just a little bit better off than we found it for the next generation, our children and our grandchildren?

Social Security is another issue that involves the debt. We have borrowed, our Government has borrowed $1 trillion from the Social Security trust fund with no provision on how it ever gets paid back. When you and I go to the bank to borrow money for a car or a home, what do the bankers ask you? They want to know how are you going to pay that money back. How much can you pay a month? How many years will you take to pay it back? And yet our Government has raided Social Security trust funds to the tune of over $1 trillion with no provision on how that gets paid back. And guess what? If we figure out how it does get paid back, Social Security as we know it today is still broke in 2041.

So our response to all this is simple. On Thursday, April 25, the Democratic Blue Dog coalition, 33 fiscally conservative Democrats, outlined four principles to prevent our children and grandchildren from being stuck with the burdens that our country is accumulating today because of our generation's budget decisions. We call these four principals the ABCs of fiscal discipline. A, assure honesty and accountability; B, balancing the budget without raiding Social Security; C, climbing out of the deficit ditch; and D, defending children from paying our bills.

The ABCs of fiscal discipline say we need enforceable budget constraints that will expose deceptive budget practices and provide our guardrail to keep our spending within the government's means. It says we need a balanced budget amendment to the Constitution that requires us to balance that budget every single year, an amendment that could only be waived in extraordinary times such as a war or military conflict, and that takes Social Security completely off the table. It will stop the politicians in Washington from raiding the Social Security and Medicare trust fund.

I served for 10 years in the Arkansas State Senate. Our Constitution required us to have a balanced budget, and for my 10 years there I took my experience as a small business owner to our State capital, and for 10 years I helped balance that State budget. If we can do it at the State level, if we can do it at the small town family pharmacy that my wife and I own in Prescott, Arkansas, then, yes, the United States government can do it as well.

It says that if we have to raise the limits on our national debt that we do so with a plan that will put our fiscal house back in order, just like a family facing financial hardships works to get approval to refinance their debts. And, finally, it says that Congress must have a super majority, a three-fifths majority vote to approve additional government borrowing.

We believe following the ABCs of fiscal discipline is the right thing to do for this Congress, for our Nation, and for the future of our children and grandchildren.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Arkansas (Mr. ROSS) for his thoughtful remarks. He has, I think, outlined it very well.

I, too, as I said earlier, come from a State legislature in which it was against the rules of Constitution to spend money you did not have, that is, to borrow money. And it meant, Mr. Speaker, that we had to make some tough decisions at times. We had to go in and redo budgets at times. We had to go back and cut education and cut Medicaid, but at least we were not mortgaging the future of our children, and then we had to come back and figure out how we pay for those particular programs.

Mr. Speaker, it is just not right for us to, as American citizens today, to demand that we have these programs that are very costly and not be willing to step forward and pay for those and say to our children and grandchildren, we are going to have this program today for us, but we want you to pay the bill later down the road.

Now I think our business community is beginning to take a good, long, hard look also at what this extended deficit spending that we are looking at over the next decade is going to mean. Obviously, we know that we came through the decade of the 1970s and the 1980s with some huge deficits over the years. And who can ever forget in the 1970s where we had interest rates that went into the high teens and in some cases the low 20 percent interest rate? It made it very difficult. I was in business then, and I remember how difficult it was to continue to run my small business as I was leveraged pretty heavily. And so you had to take 20 cents out of the first dollar that you made and pay on the interest on your debt. I said that the business community is beginning to take a look at it.

I want to, Mr. Speaker, read from today's Wall Street Journal on the front page and the article is entitled ''U.S. Debt Is Set to Rise Not Fall for Second Quarter.'' It is a very short article. I want to read it. It says the Treasury Department said it expected to borrow a net $1 billion during the April-to-June quarter. That is three months. The Treasury Department said it expected to borrow $1 billion, not repay a net $89 billion as it said it would do earlier this year in January.

So in January the Treasury Department was predicting that it would repay $89 billion of the Federal debt that we owed as a Government, but today they are saying no, we are not going to repay $89 billion. We will not repay anything. We will have to borrow an additional $1 billion during that quarter period.

The announcement, the department's first official acknowledgment of its dismal tax collections during the important April filing season, increases the likelihood that the Federal budget will linger in deficit for longer than the two years cited in congressional estimates. The government's troubled finances could even damp prospects for recovery by flooding debt markets and driving up interest rates.

I am sure that does concern the business community. ''It is really a remarkably negative commentary on the government's financial fortunes,'' said John Youngdahl, an economist for Goldman Sachs. At a time when the

economy might be picking up momentum, increasing private sector borrowing, the government's increased demand for debt runs the risk of creating more friction and consequently spurring somewhat higher rates than otherwise would be the case, Mr. YOUNGdahl said. That is one thing to be concerned about.

I think it is something that we are all concerned about, not only the business community. But what you have is for the home owner who has got a home mortgage, if he has got a $100,000 mortgage on his home and his interest rate goes up 200 points, that is $2,000 a year. Car loans, business loans, personal loans, I think this thing could be very, very serious, and we only hope that it will turn around quickly.

We know how to turn it around. We have got to plan and we are willing and ready to sit down with the administration leaders, the leaders of President Bush's administration and the leader of the Congress, lay out a plan, get us back into balance. It can be done. We did it in 1997 and certainly we can do it again.

Mr. Speaker, I want to thank the gentleman from Arkansas (Mr. ROSS) and the others who came to speak here tonight.

WATER SHORTAGE IN COLORADO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, this evening I want to talk about a number of different subjects, but primarily the subject is going to center around natural resources and water, especially water as it pertains to the West.

As many of you know, my district is the third Congressional district in the State of Colorado. The State of Colorado is the highest place, when you take the average elevation, it is the highest place on the North American continent. And as a result of that elevation and the mountainous terrain and the arid region that Colorado is kind of the apex of, there are a lot of different issues that deal with the West that you do not find in the East.

But before I do this, I want to talk a little about this weekend. I read tonight, maybe you will read it here in the next couple of days in the paper, but I read where a celebrity here in the United States, a celebrity who has been the beneficiary of the great things that this country offers, a celebrity who, to the best of my knowledge, has never had to pick up a weapon to defend their country, a celebrity who has made the comments that are about to be established from his yacht, his 130-foot or 150-foot yacht.

And as I understand these comments, and, again, this is being credited to him or it is in this interview, as I understand these comments from this celebrity, this celebrity is criticizing the Fox News station for being too patriotic, for being too patriotic. This celebrity has come out and said that the station had too much red, white and blue on their station, on their news network at September 11.

Can you envision that? Did you ever think that anyone in this country, that our forefathers would ever think that a celebrity who is the beneficiary of all the fruits that this country has provided to him, would have the audacity to say that our country is too patriotic?

I want to compare these short-sighted remarks, those selfish remarks, to what I experienced this weekend out in Colorado, and all of you have, I am sure, experienced the same things when you get out with the people that you represent.

I was in Pueblo, Colorado. I started out the day by going to a group of a number of probably about 200 young people, I would guess anywhere from 13 years old to 19 years old. These kids, they were trying to tell them to stay off of drugs. It was amazing. Drugs, alcohol, and drive with your seatbelts on. It was a great assembly that was put together. But I was surprised and, frankly, I was very encouraged and felt very positive by talking to these kids, how many of these young people wanted as a career to go in and serve our country in the military, how strongly these kids felt about the United States of America. And from this assembly I went on to a couple of town meetings.

Do you think in any of these town meetings I heard from constituents any indication at all that we should be less patriotic or our news networks are too patriotic? In fact, what you generally hear is just the opposite. How come they never tell the side of the greatest country in the history of the world? How come they always make us look like the bad guys? That is the kind of things you might hear.

Then that afternoon I have to go and I listen and I have an opportunity to participate in awarding the Korean medal for a former veteran. This veteran had received five bronze stars and this veteran had his entire family, 70, maybe 80 people at their function where we have presented the medal. And I tell you something, you talk about pride in this country and you talk about feeling good about the future of this country, the gentleman to whom I presented the medal served in the Korean War. He was in his 70s, maybe in his early 80s, so he had three generations, he had great-grandchildren there. And the red, white and blue around that yard, I wish I could have grabbed that celebrity and brought him to this yard, back yard in Pueblo, Colorado, and shown him what people in America feel about patriotism.

The United States of America has nothing to apologize about. What this celebrity ought to be doing is talking about what America has done for the rest of the world. There is no country in the history of the world, no country in the history of the world that has given away more in charity to the rest of the world, that has educated more people for the world, that offers better health care than anywhere else in the world, that has provided more tractors and more agricultural resources so that people can grow food and be more efficient on the growth of food than any other country in the world. There is no other country in the world that has offered more freedoms than the United States of America. None, zero, zip. No other country in the history of the world that has offered the freedoms that the United States of America has.

□ 2145

There is no other country in the history of the world that has stood up and put its young men and women, paying the ultimate sacrifice, at risk in other continents, to save those continents as we did in World War I, as we did in World War II, as we did to try in an attempt, a failed attempt, an attempt to stop communism from moving on to Vietnam, as we did in other places, as we are doing today.

The United States of America is a great country. It is a strong country; but it is a strong country that demands upon every generation, including our generation, and probably especially on those of us who were elected to serve the people, to represent the people, to pass on to the next generation that sense of patriotism, that sense of obligation, to make sure that the greatness of this country continues to the generation that follows them, that responsibility to be good Americans, to care about your family, to care about the defense of your country.

Bill Bennett wrote a book and says why do we fight. My colleagues will want to read that book. In fact, I think if I knew this celebrity would get the book I would buy a copy and send it to him. I was a little saddened by one of the people in our country, one of the people, this celebrity, the fruits he enjoys today would have been available to him probably anywhere else in the world, but in the country which gave it to him, he decides that maybe one of the news networks is too patriotic. Very short-sighted comment and a comment that I hope that individual at some point, at least in his own mind, retracts and begins to appreciate the sacrifice that a lot of people, generation after generation after generation in this country's history, the sacrifice that they have given so that people like him and other Americans can enjoy the fruits of our country.

What is most exciting to me is all of the things that go right. My colleagues do not hear some of these celebrities talking about what is going right in this country. It seems to many a lot of time what comes out of Hollywood is criticism of the President. We hear the movie actors that say, well, we are going to leave the country if George W. Bush becomes our President, and by

the way, none of them did leave the country. They changed their mind because they realized what they had here, and some of these people ought to take a little time and talk about what is going right in our country.

When we look at what is going right as compared to what is going wrong, there is so much more that is right than wrong. Look at the young people and juniors and seniors and applicants to our academies, our military academies. These are some of the most qualified young people in the history of this country. Their capabilities, the tools that they have to learn, their focus is immense and I think is much greater than the previous generations.

What we read in the media is they focus on the drug problems of this generation. They focus on the sex problems of this young generation; but what is beginning to happen, that young generation is showing that they do have the capabilities to carry on the responsibilities, to continue to make this country great. We are beginning to see a movement toward family. We are beginning to see more religious involvement with these young people. We are beginning to see absolutely much, much more learning in their preschool years as they come up.

So there are a lot of things that are going right, and that is what made me feel good about the weekend. I spent the weekend seeing things that were going right, only to read this quote or these quotes that have been attributed to this celebrity, and I think that my colleagues may have seen it in today's papers or certainly will be in tomorrow's papers about what this person has said. I hope any of my colleagues that have admired this person somewhat discount that admiration when they take a look at the comments that this particular person made.

That is enough for that. Let me move on to the subject that I really want to talk about this evening and that is water. As I mentioned earlier at the opening of my remarks, the western United States geographically, obviously, is different than the eastern half of the United States. There are a lot of things that differentiate the West from the East, and one of them is water.

I want to show my colleagues a map. This map here will depict a number of things which we will go over here in just a minute. Let me tell my colleagues about the first thing the map is going to depict. That is the ownership of public lands versus public lands in the East. Remember that upon settlement of the United States, the population, when our country just got started, as we all know, the population was along the east coast and that as our country began to grow, in order to get people out into the land, we had to give them some kind of incentive.

Back in those days, one could not just get a deed that says you own the land. They actually needed to possess the land; and as I said before, that is where the saying that possession is nine-tenths of the law comes from. So for our country to grow, we needed one incentive to get people to move off the comfort of the east coast into the new land that this country wanted to expand into, and we wanted to get possession of that property so that another country could not come and take that land from us so we could protect the land.

In order to do that, the government made a very conscious decision, and that is, to give land away through what is called land grants. They had first made land grants actually in an attempt to bribe British soldiers to defect from the British troops to help us in the Revolutionary War, saying to these soldiers we are starting a new country and if you come with us we will give you land in our new country. That is how the Homestead Act in this country, actually what we would call the land grants, first came from.

This worked pretty effectively. What they would do is they would send families west. They would give them, say, 160 acres; and 160 acres in most of the eastern United States was enough acreage for a family to survive upon, and let me point out here. My colleagues will note that on this map, most of the map east of, say, Denver, Colorado, here in this point, we come right down here, most of the white part of this map is land that is privately owned. That is because in almost all of these locations here where the white is and almost all of those locations, one can support a family off 160 acres. The land is very fertile.

In fact, to give my colleagues an idea of the water, and we will go over this point again, but 73 percent of the water precipitation, surface water, stream water in this country is in this part of the country. So this is a very, very, very fertile land. Once we get west of Denver, Colorado, into this land with all the color that is where we get into the public lands, and that land is very, very dry, very arid, very dependent upon dams.

What happened is the settlers began to come west. This idea of putting people out on the land was working pretty effectively, but then all of the sudden when they got to Denver and they hit the Rocky Mountains, word got back to Washington, they are not settling up there. They are going around it. They could not feed a family off 160 acres. They had to go out to the Imperial Valley in California to find that kind of fertile land.

Washington knew that they needed to do something, something to claim that land for the country. What did we do? How do we figure out how to get people to occupy those lands so that the government knows our citizens are on it? So what they decided to do in that mountain country where 160 acres could not support a family is one of the ideas, well, let us go ahead and give them an equivalent amount of land, maybe let us give them like $3,000 acres maybe, that is the equivalent of what needs to match 160 acres in the fertile grounds of eastern Colorado or Nebraska or some of these other States.

At the time, they had given a lot of land to railroads, and they were under a lot of political pressure not to give that land away. So they decided instead, in this west, in this arid part, they would allow the people to go ahead and use it. They would give them incentives to use it, but they would retain the title to the government and keep those as public lands, but they always had the concept that these public lands would envision multiple use, many uses.

When I grew up and we went into a national forest or public lands, there was always a sign that hung there, for example, ''Welcome to the White River National Forest, Land of Many Uses.'' That is the concept upon which the West was really settled as far as land ownership goes.

The reason I am telling my colleagues this or the reason why we are reviewing the public lands and private lands issue is because it has a lot to do with the water issues that we face out in the West that again differentiates us from the East. Remember my statistics and let me draw on this map for just a moment.

If we drew a line approximately like this, 73 percent, 73 percent of the water, surface water in the country is in this portion of the United States. That is where 73 percent of it is. We have got about 13 percent of the water in the Pacific Northwest. We have got 13 percent of the water there, and then the rest of it, the rest here for that many States, that is 14 percent of the water. Look at those numbers again. Seventy-three percent of the water on this part of the country, 13 percent up here in this section, and 14 percent for all of these States down there.

This is arid country. This is country where out here a lot of times the dispute is in the East on how to get rid of the excess water. Hey, do not drain it on my property. How are we going to drain it? Put it here; put it there. In the West, our primary issues are how do we conserve the water, how do we store the water, how do we use the water. And of course, in the West, as in many lands in the east, agricultural plays a very important part.

Remember when we talked about water, there are a number of different things to keep in mind. First of all, 97 percent of the water in the world, 97 percent of it is salt water, and under today's technology, we really do not have an economical way to convert that to desalinate that water from ocean water to clear drinking water. So right off the bat we are dealing with 3 percent of the world's water. Three percent of the world's water, about 78 percent of that 3 percent, about 78 percent of that 3 percent, is tied up in the polar icecaps. So the actual amount of water that we have to deal with is really very, very small.

In fact, if we wanted to use a percentage number, I will write it on the chart

here, but how much of the world's water rivers contains, it looks like this, .001 percent. That is what small amount of water is contained in the rivers in the world, and the rivers are our life blood. In fact, in the Colorado State capital, in their rotunda written on there, they have something to the effect that I think it was Hornsberry that wrote, that says in this land life is written in water, and many people have said water runs almost as thick as blood out there in this dry region.

Let me talk about real quickly how water is used. One of the things that amazed me as I got into water, remember, water is a very boring subject. Most people do not care much about water until they turn on the faucet and there is no water coming out of the faucet and they flush the toilet and no water comes into the bowl or they go out to recreate or fish and the stream's dried up. There are a lot of different uses of water.

I started studying water about 20 years ago; and to this day, to this day, the most amazing thing about water to me is the quantity of water that is necessary to do things in our everyday life, and I am going to go over a few of those things with my colleagues right now.

Take a look. Water usage, here is a fun chart. Direct uses of water daily, this is what the average person uses in a day drinking and cooking, 2 gallons. Flushing the toilet, 5 to 7 gallons per flush, although we have newer toilets, more advanced toilets that can now do it with 3 gallons. Washing machine, 20 gallons per load. Dishwasher, 25 per loads. Just to take a shower, 7 to 9 gallons per minute.

Remember that using water is not like using gasoline. Water is a renewable resource. On gasoline, once it is used, it is gone; but with water they have often said one person's waste is another person's water, and there is a lot to be said there. Water recirculates. It has got an entire lifecyle of its own so that when we use water for these daily needs, it does not mean that we have wasted the water, but we still have to conserve that water. We have got to be careful that we do not go to excess.

Take a look at what it requires to grow food, and I will give some acreage, some interesting statistics on acreage; but if we look over here to my left, look at this. Growing food for a loaf of bread, it takes 150 gallons of water from the time someone starts to prepare the field to grow the wheat, they grow the wheat and the other ingredients to mill the flour and things like that. By the time that loaf of bred is produced, they have used 150 gallons of water. An egg, one egg, not a dozen eggs, one egg, 120 gallons of water.

□ 2200 A

quart of milk, 223 gallons of water. To have one quart of milk. One pound of oranges, 47 gallons. One pound of potatoes, 23 gallons.

On average, and my colleagues probably did not know this, it takes more than 1,000 gallons of water to produce three meals a day for one person. More than 1,000 gallons of water a day to give us three balanced meals per day. Pretty interesting.

What happens to 50 glasses of water? Forty-four glasses are used for agriculture, three glasses are used by industry, two glasses are used by cities, and a half a glass is used in the countryside. So, obviously, of those 50 glasses, if we had 50 glasses of water that represented the usage in our country, 44 of those glasses of water go to agriculture.

Why so much water for agriculture? Again, some pretty interesting statistics. To grow an acre of corn we can expect off that acre that we will have 4,000 gallons of water a day evaporate off that acre. It takes 135,000 gallons to grow one ton of alfalfa. A hundred thirty-five thousand gallons. As I said, it takes 1,400 gallons of water to produce the meal of a quarter pound hamburger, an order of fries, and a soft drink. So if my colleagues go down to the local McDonald's restaurant and buy a hamburger, a soft drink and fries, 1,400 gallons of water were necessary for the complete process to get that food to the table.

Forty-eight thousand gallons are needed to produce the typical American Thanksgiving dinner for eight people. Imagine that. When we go to Thanksgiving dinner, eight people sit down to have dinner, 48,000 gallons of water were utilized to bring all of the tidings of Thanksgiving to that table. It is immense the use of water that we have.

That is why water is such a critical subject for us. It is boring, but if I had my way about it, I would make it a mandatory course in every classroom in every school in America. I would make it required so that all Americans have a better understanding of just how critical that resource is and has become.

It takes 39,000 gallons of water to produce a domestic automobile, 1,800 gallons of water just to produce the cotton in a pair of jeans, and 400 gallons of water just to produce enough cotton for one shirt. So the shirt I am wearing right here, which is 100 percent cotton, took 400 gallons of water to get that shirt to where I can wear it. It is amazing. It is incredible.

What is happening now, this year, of course, is that we have a drought. And as I mentioned earlier, the drought has hit different parts of the country very hard. Here in the east last weekend we had some good rains. I think we got up to 2 inches in this particular area. But in the west we face a drought conditions that, in many cases, we have not seen in 100 years. And the reason we say 100 years is that that is the first time records were kept. So I wanted to visit just a little about what that impact is and why it is so critical for those of us that live in the arid States to store our water, to have that capability.

Remember, in a State like Colorado, and my district is the high mountains of Colorado, in an average year we have all the water we could possibly use for about a 60-to-90-day-period of time. When is that period of time? That period of time, on a typical year, is what is called the spring runoff, when the snow melts off those high peaks and we have that runoff. Sometimes, in fact, it floods, and we have terrible floods. But the dams have helped us control those floods.

When that 60-to-90 day period of time is over, what do we do for water then? Again, the dams come back in. In the west, we need to have those dams because we cannot count on water continuously year-round. Unfortunately, these water resources have not been evenly allocated across this great country of ours, so the dams play more and more of an important role, for not only human consumption, but for electrical generation.

Take a look at this chart. This reflects the primary use of dams. I think this is pretty interesting. The primary purpose or benefit of dams in the United States. And by the way, there is about 70,000 to 80,000 dams in the United States. Now, when we think of dams we think of Hoover Dam, Glen Canyon Dam, or smaller dams, like the Shoshoni Dam in the Glenwood Canyon, or different ones like that. But the first dams, for example, that we know of in the United States were actually the Anasazi Indians down in the southwestern part of Colorado, the Four Corners area. And there is evidence there that when they came and they learned how to dam up the water, because the water was again in such an arid area, it is thought that one of two things drove the Anasazi Indians into extinction, or at least out of that area.

One of them was the lack of water or, two, dealing with the enemy. They had enemies out there, and somehow the enemies were able to get into the cliff dwellings. But we think primarily it was water.

Look at the primary purpose or benefit of U.S. dams. Recreation, 32 percent; irrigation, 10 percent; public water supply, 19 percent; flood control, 14 percent; hydroelectricity, 2 percent; and stock and farm ponds, 17 percent.

Now, you will see some national organizations that oppose dams. They oppose a dam no matter how justified it is. No matter how well planned it is, no matter what kind of protections have been placed for the environment and to the benefit of the environment, no matter what is done, there are large well-financed organizations that oppose dams regardless of the merits. But they do not understand, or maybe they do understand and it is a way of restricting the life-style that we have in the west, but it is so critical to look closely and get an idea of what happens to us out in Colorado, for example, after that 90 days or so when the spring

runoff trickles down to small streams and our mighty Colorado is reduced dramatically in size, and what we have to do for water to get through the rest of the year.

And it is not just drinking water. Take a look at now the dependency we have on hydroelectricity. That is the cleanest way to produce power of any power that we know, outside of nuclear. And even cleaner than the nuclear, because with nuclear we still have a waste material, as many of my colleagues know with our debate on Yucca Mountain in Nevada and so on. Water is truly the cleanest way to generate our electricity. The difficulty is we do not have enough rivers or enough dams to produce hydroelectricity in such a way that it could become our primary generation of electricity in this country. But where we can utilize it we should utilize it.

And a natural benefit of a dam, when you back up water, you also provide recreation opportunities. In the western United States, the greatest recreational facility, I think, from a water perspective, is Lake Powell. The Colorado River, which is about 1,500 miles long, has several major dams on it, and one of those lakes that has been backed up as a result of Glen Canyon is Lake Powell. Lake Powell actually has more shoreline than the entire Pacific West Coast. Recreation is critical. For those who talk about family recreation and the importance for us to bring families back together, recreation on a lake like Lake Powell is an important factor out there in the west.

Flood control. We have had some horrendous floods. Again, unfortunately, the laws of nature do not allow the river, like the Colorado, to run at a steady flow 12 months of the year. Sometimes it runs with horrendous bursts. In fact, if any of my colleagues ever have an opportunity and are near Gunnison or Montrose, Colorado, take the time to go see the Black Canyon National Park. It is a beautiful, beautiful national park. And when you get to the visitor's center at the Black Canyon National Park you will see rocks the size of this table over here to my right, the size of this table and probably twice as high. That is a sample of the rocks that are thrown through that river. That is how powerful that river is going through that canyon. That rumbling down of those rocks sounds like a tornado going on down there in the spring runoff.

We have to be able to control floods. And take a look, while on the way to the Black Canyon National Park and, hopefully, you will go through a beautiful town called Grand Junction, Colorado. Grand Junction used to be desert. Desert still remains on the other side of it. But take a look at what irrigation did for that community. Grand junction, Colorado, is probably the clearest example in the country of what happens when you have water and what happens when you do not have water.

The dividing point there is the interstate highway. As you go down the interstate in Grand Junction, when you look to the north, or if you are headed westbound, when you look to the right it is arid desert land. It is beautiful in its own way, but there are no people living out there. There is not much wildlife out there. In fact, there is not much life. There are no trees or plants out there. It is dry dirt. On the left-hand side, which is the south side, left hand as you are going west, the south side is the result of irrigation. There are orchards; wine orchards, apple orchards, and lots of wildlife.

Obviously, that is where the people live. It is because we had the ability to store water and to release that water year-round so that side of the highway can stay green. Year-round, that portion of land can support wildlife, human habitation and, frankly, I think increase and improve the areas of the environment that we think are important, gold medal fishing, for example, and a lot of other things.

Water is such a critical resource for us. Again, I urge my colleagues here in the east, during times when we have decisions to make about the west, please understand we are not trying to make a battle or make a geographical difference with the country. We do want Members to come to the realization, or at least understand that our needs in the west are dramatically different when it comes to some of these natural resources, whether we are talking about private lands or public lands, or whether we are taking about lots of water, like here in the east, where 73 percent of the Nation's surface water exists. Out there, in the center of the west, we have 14 percent.

So when we talk about our water storage facilities, listen to us, support us. There is a move out there to take down Lake Powell. Many of in this room have never been to Lake Powell. If you want to do your family a favor, if you want to have a great trip, one of those kind of vacations that your family will remember for many, many, many years into the future, go to Lake Powell. Take a look at that dam there, how much electricity that generates, and take a look at the flood control. As a Congressman, they will give you a tour. They give general tours, but tell them you really want to know about this project.

I urge my colleagues from the east to take a trip and go out there, and have one of your days set aside simply to learn about the project. So that when the radical fanatics come to these Chambers and try to get you to sign on to a resolution to tear down the dam at Lake Powell, you will have a very clear and immediate understanding of the ramifications that that has to the western half of your country, the kind of ramifications it has not only for hydroelectricity but for flood control, for water storage, for recreation, for farms. Remember that when you hear somebody approach you and say we need to take down dams.

One of my biggest problems with the Clinton administration was the Clinton administration was always trying to show that they were the environmental administration, so they made some pretty brash statements and they made some pretty illogical decisions, like the Grand Escalante Staircase, without any input from State officials; with proclamations that we need to start taking down dams, not building dams. It was almost as if that administration had an anti-human bias built into their policy. Well, fortunately, that has been moderated and a common sense approach will allow people in the east to understand the special circumstances of those of us who live in the west.

Let me mention something else. I want to show the drought conditions that we are currently experiencing. This is a color-coded map. Here are the codes: Abnormal dry, which means just an off year; drought moderate is the light brown; the dark brown is drought severe, and the red is drought extreme.

If you look to the left of the poster, here is the State of Colorado. This actually is the Colorado River right here, going down like this. The Colorado River runs about 1,500 miles. Only a small part of it is in Colorado. The Colorado provides 75 percent of the water that goes into it. Maybe 200 miles of the Colorado River is in Colorado, of the 1,500 miles total. It goes down through Utah, Arizona, and actually ends up in Mexico.

But my point here is to look at the drought conditions that we face. Now, we face some of these similar conditions on the East Coast, but out here in the west, where we start out with very arid conditions, look how much of it is in a moderate drought. All the light brown. But look what is in severe extreme drought. Look how much of that portion down here.

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Look at what this is. This is a tough situation this year. Do you know how we are going to get through it? Do you know how we got through the semi-dryness last year? Because generations before us had the foresight to build major storage projects so when we ran out of water or did not have enough snow in the high peaks, we would have enough water to give us a crutch to get through to the next snow season. That is exactly why we will survive the drought in Colorado, even though it is severe, a drought that we have not seen since 1977 is the last time I recall. It appears that this one is going to be much more severe.

But we will be able to, we will be crippled, but we will be able to get through it because we have water storage. We have the capability to draw down on reservoirs. It is like your bank account. You always want to have a surplus in your bank account so if you have an emergency you can draw down on your savings. That is what these storage projects allow us.

But what has happened in the last few years through a huge public relations effort, they have been very successful in giving a negative connotation to the world dams and water storage projects. We in the West find ourselves constantly trying to explain, look, it is not a nasty word. It is a word that is necessitated by our lifestyles out in the West. It is necessitated by our needs for the environment. It is necessitated for our electricity. It is necessitated for flood control. These water storage projects are very, very important for us.

Now, what else happens when we face drought conditions? Fire. This year looks to be, if the conditions stay the same as they have up through this last week, this year could be the worst fire year since we kept records in this country. I want to say through the hard efforts of people like Gale Norton at the Department of the Interior, and Ann Veneman over at the Department of Agriculture, the head of the parks, these teams have come together and we have created a National Fire Council.

Last year through a lot of efforts, both Republican and Democrat, we put together the resources necessary to upgrade our firefighting capabilities in this country. We hired an additional 5,000 firemen. We picked up thousands of pieces of new equipment. In the last several months, we have disbursed those equipment and resources throughout the country so when we have a fire, as we had in Bailey up in Park County, Colorado, last weekend, we were within a very short period of time able to devote substantial resources to fighting that fire.

We have made dramatic improvements. Not only do we have a dry year, but we have had years and years and years of policies on the public lands, remember earlier my comments when we talked about the public lands, we have had years and years of policies of not allowing those forests to be cleaned. In essence, ignoring some of those forests. We now have lots of wastes on the floor of the forest. I call it gunpowder. What you see on my left, that will not be an uncommon sight in the mountains. We are going to see some of our biggest fires in Florida and in the East.

I think this year we have the team together. We never know what we are going to face, but based on past history, we think that with a little luck and a little blessing and the good Lord, we are going to be able to fight these fires successfully, but it is going to be a challenge.

Again, the importance of water storage. When we get out to some of these fires, one of the most important things to have is access to water. What does every fire truck in the West carry with them? They carry tarps. Why? A simple reason. As soon as they get to the scene of a fire, they create a dam. Think about it. Out in the rural areas, and I used to be a volunteer fireman, one of the first things that we learned was how to use a tarp. Firefighters put it in the stream and very quickly build up a dam so we have a water reservoir that we could pull the water out of to fight the fire. Again, another use of dams, another use of water storage that a lot of us do not think about in our day-to-day lives.

Let me show Members the inferno. These are the kinds of things that we are going to face this summer. That is a blow up, meaning the wind and heat. All of the conditions are perfect for what is called a blow up. That kind of inferno, unfortunately, will occur. To a large extent we cannot help it. We cannot have more rain. That is up to the good Lord. We cannot control where lightning strikes; that is up to the good Lord.

But in the management of our forests and in the management of our firefighting resources and in the allocation of our land management resources, a lot of these fires can be impacted or alleviated with proper land management. Again in the East, you deal with it differently because you do not have the public lands. In the West, we have lots of public pressure, a lot of times from people in the East who have never experienced life in the West, who are not acquainted with what it is like to be completely surrounded by public lands.

In my district, I have about 120 communities. These are small towns with the exception of two which are fairly large. All but one of them are completely surrounded. In other words, 119 are completely surrounded by public lands. And the rules and regulations that we deal with with public lands restrict the amount of freedom. In a lot of cases, it is very justified. But as in most cases where the government gets involved, you will find on some occasions they go overboard. Sometimes they go overboard, for example, by not allowing people to clean up the forests. This is a contributing cause to this kind of inferno.

Let me talk just a few more minutes about the importance of water in the West, about the importance of water storage in the West. I have made several key points to Members, and I want to summarize them. Keep in mind that 97 percent of the water in the world is in the oceans. It is salt water. We do not have an economic way to convert that water to drinking water that is affordable on any kind of mass scale. Of the remaining 3 percent, clear water, nonsalt water, 78 percent of that water is tied up in the polar ice caps. So we have a very small amount of water that is either not tied up in the ice caps or not salt water for our usage. Conservation is a critical element for us.

As our country continues to grow in population, obviously we need to practice more and more conservation. But remember that conservation and water is much trickier than, say, conservation of fuel or electricity. I will give Members an idea. When somebody comes in and says we want you to line your irrigation ditches, in other words put in concrete, and we can prevent seepage so you lose less water. The difficulty is that your seepage in your ditch may very well be providing the water for the spring 3 or 4 miles away.

Mr. Speaker, our generation does not have the capability to radar underneath the ground very effectively. We can pick up things above the ground, but what future generations will have the capability to do is they will have the capability to look underneath the ground, and at some point they will be able to figure out the logistics of those millions of miles of water streams underneath the Earth's surface. Then water management will make a lot more sense. Then conservation will be able to be done with much more precise science; but today, conservation is important.

But the key of my comments to Members this evening is not only to ask, as I have done on a number of occasions from this very podium, to ask for your indulgence when we talk about land issues in the West, because of the fact that the public lands really for the most part are in the West, they are not in the East, so I ask cooperation from my colleagues from the East, try and take a few moments, really you have the responsibility to take a few moments and understand the issues that we deal with because we have public lands. We have to deal with the government every minute of our lives out there when your community is surrounded by public lands. Our communities are completely, not partially, and this is not an exaggeration, our communities are completely dependent upon the Federal lands.

When we talk about water, out in my district, the water in my district either comes across, stores or ponds or originates on public lands. It is a big, big issue for us. The concept of multiple use is critical for our life-style. All of our highways, whether it is a radio antenna, whether it is our power lines, our fishing, our farming, our environmental protection, we deal with the government in every phase of that. Many in the East do not have to deal with any phase of that, at least as it pertains to the issue of public and private lands. You own the lands. We do not in the West. It is the same thing. There is the same kind of differential that begins to emerge when we talk about building water storage facilities on public lands, when we talk about the importance of water storage in the West.

Remember my earlier statistic, 73 percent of the water in this country is east of the Mississippi. Seventy-three percent of the surface water is east of the Mississippi. The western mountain region, that western area which is huge, which is about half of the United States, not quite but almost half of the United States in land mass, we have 14 percent of the water. Fourteen percent of the water, and almost half the land mass of the United States. So water

storage is so, so critical for us out there.

Finally, keep in mind what water storage, what it does. It provides flood control. It provides hydroelectricity. It provides recreation. And probably as important as anything that I have just mentioned, probably more important than anything that I have just mentioned, it allows us to save water and build up a reservoir so when we face the kind of drought conditions that we are facing today in the West, we have the capability to draw from that reservoir, at least from a limited period of time to try and get us through until the next snow season.

Colleagues, I appreciate your time this evening. I appreciate the fact that I am allowed, and have this great privilege in this country to come to this House well and try to work with my colleagues in the East, Republican or Democrat, to tell you how important it is that you understand the geographical differences, the water differences between the eastern United States and the western United States.

Mr. Speaker, I appreciate this time, and look forward to Members' cooperation on these issues in the future.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today and the balance of the week on account of important legislative business in the district.

Mr. CRANE (at the request of Mr. ARMEY) for today on account of personal reasons.

Mr. CANNON (at the request of Mr. ARMEY) for today and the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

(The following Member (at the request of Mr. SULLIVAN) to revise and extend his remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2248. An act to extend the authority of the Export-Import Bank until May 31, 2002.

ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 1, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6486. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Infectious Salmon Anemia; Payment of Indemnity [Docket No. 01-126-1] received April 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6487. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Farm Loan Programs Account Servicing Policies—Reduction of Amortized Shared Appreciation Recapture Amortization Rate (RIN: 0560-AG43) received April 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6488. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Lamb Promotion, Research, and Information Order [No. LS-01-12] (RIN: 0581-AC06) received April 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6489. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fluazinam; Pesticide Tolerance [OPP-2002-0003; FRL-6831-8] (RIN: 2070-AB78) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6490. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fenhexamid; Pesticide Tolerance [OPP-301228; FRL-6829-9] (RIN: 2070-AB78) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6491. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Sodium Starch Glycolate; Exemption from the Requiremnt of a Tolerance [OPP-2002-0018; FRL-6833-9] (RIN: 2070-AB78) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6492. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Engaged In The Business of Receiving Deposits Other Than Trust Funds (RIN: 3064-AC49) received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6493. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6494. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program (NFIP); Increased Rates for Flood Coverage (RIN: 3067-AD27) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6495. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—Program of Research on Reading Comprehension—received April 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6496. A letter from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Reclassification of Three Anesthesiology Preamendments Class III Devices into Class II [Docket No. 99N-0035] received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6497. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures; Delay of Effective Date [Docket No. 92N-0297] (RIN: 0905-AC81) received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6498. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Device Tracking [Docket No. 00N-1034] received April 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6499. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Topical Antifungal Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph [Docket No. 99N-4063] (RIN: 0910-AA01) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6500. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Partial Final Rule for Combination Drug Products Containing a Bronchodilator; Correction [Docket No. 76N-052G] (RIN: 0910-AA01) received April 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6501. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Change in Specifications for Gum or Wood Rosin Derivatives in Chewing Gum Base; Correction [Docket No. 99F-2533] received March 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6502. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Topical Nitrofurans; Extralabel Animal Drug Use; Order of Prohibition [Docket No. 01N-0499] received April 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6503. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to State Implementation Plan [GA-46-200221(a); FRL-7172-7] received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6504. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Post—1996 Rate of Progress Plans [NH-046b; A-1 FRL-7171-9] received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6505. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of New York [Region II Docket No. NY56-240; FRL-7172-6] received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6506. A letter from the Acting Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Reallocation of the 216-220 MHz, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz, and 2385-2390 MHz Government Transfer Bands; and ; Amendment of Parts 2 and 95 of the Commission's Rules to Create a Wireless Medical Telemetry Service; and Amendments to Part 90 of the Commission's Rules Concerning Private Land Mobile Radio Services [ET Docket No. 00-221, RM-9267, RM-9692, RM-9797, RM-9854; ET Docket No. 99-255, PR Docket No. 92-235; WT Docket No. 97-153] Received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6507. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Absence and Leave; Use of Restored Annual Leave (RIN: 3206-AJ51) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6508. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Basic Pay for Employees of Temporary Organizations (RIN: 3206-AJ47) received April 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6509. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Placement Assistance and Reduction in Force Notices (RIN: 3206-AJ18) received April 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6510. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Federal Employment Priority Consideration Program for Displaced Employees of the District of Columbia Department of Corrections (RIN: 3206-AI28) received April 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6511. A letter from the National Oceanic and Atmoshperic Administration, transmitting the Administration's final rule—Endangered and Threatened Species; Final Rule to Remove Umpqua River Cutthroat Trout From the Federal List of Endangered and Threatened Species [Docket No. 000404093-0093-01; I.D. 121198A] (RIN: 0648-AN90) received April 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6512. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 031202A] received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6513. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Commercial Shark Management Measures [Docket No. 011218303-1303-01; I.D. 110501B] (RIN: 0648-AP70) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6514. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02; I.D. 111601A] received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6515. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 022502D] received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6516. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—Release of Information Regarding Immigration and Naturalization Service Detainees in Non-Federal Facilities [INS No. 2203-02] (RIN: 1115-AG67) received April 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6517. A letter from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting the Commission's final rule—Premerger Notification; Reporting and Waiting Period Requirements—received April 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6518. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Hazard Mitigation Planning and Hazard Mitigation Grant Program (RIN: 3067-AD22) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6519. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Assistance to Firefighters Grant Program (RIN: 3067-AD21) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6520. A letter from the General Counsel, National Science Foundation, transmitting the Foundation's final rule—Misconduct in Science and Engineering—received April 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6521. A letter from the Acting Deputy General Counsel, SBA, Small Business Administration, transmitting the Administration's final rule—Small Business Size Standards; Inflation Adjustment to Size Standards (RIN: 3245-AE56)—received April 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6522. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Investment Credit on Transition Property—received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6523. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Intermet Corporation & Subs V. Commissioner [Docket No. 8246-97] received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6524. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—2002 Limitations Adjusted As Provided In Section 415(d) (Notice 2001-84) received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHLERT: Committee on Science. H.R. 2051. A bill to provide for the establishment of regional plant genome and gene expression research and development centers; with amendments (Rept. 107–422). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 402. Resolution providing for the consideration of the bill (H.R. 2871) to reauthorize the Export-Import Bank of the United States, and for other purposes (Rept. 107–423). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HUNTER (for himself, Mr. CUNNINGHAM, and Mr. SAXTON):

H.R. 4618. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for the conservation of stocks of Pacific highly migratory species by directing the Secretary of Commerce to prohibit pelagic longline fishing in the exclusive economic zone off the coasts of the States of California, Oregon, and Washington; to the Committee on Resources.

By Mr. NETHERCUTT:

H.R. 4619. A bill to authorize the Secretary of the Army to provide a credit toward the non-Federal share of the cost of the feasibility study for the project for flood control in the vicinity of Sprague, Lincoln County, Washington, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OTTER (for himself, Mr. HANSEN, Mr. POMBO, Mr. RADANOVICH, Mr. STUMP, Mr. HEFLEY, Mr. GIBBONS, Mr. SIMPSON, and Mr. HUNTER):

H.R. 4620. A bill to accelerate the wilderness designation process by establishing a timetable for the completion of wilderness studies on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. PETERSON of Minnesota (for himself, Mr. MCGOVERN, Mr. ROHRABACHER, Mr. LYNCH, Mr. FALEOMAVAEGA, Mr. KILDEE, Mr. SANDERS, and Ms. ROS-LEHTINEN):

H.R. 4621. A bill to amend title 39, United States Code, to authorize additional compensation to be paid to certain veterans in

receipt of compensation for a service-connected disability rated totally disabling for whom a family member dependent on the veteran for support provides care; to the Committee on Veterans' Affairs.

By Mr. RADANOVICH:

H.R. 4622. A bill to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. POMEROY, Mr. FOLEY, Ms. HART, Mr. DELAY, Mr. BRYANT, Mr. GOODLATTE, Mr. JENKINS, Mr. CANNON, Mr. GREEN of Wisconsin, Mr. KELLER, Mrs. JOHNSON of Connecticut, Mr. STEARNS, Mr. NUSSLE, Mrs. CAPITO, Mr. GILCHREST, Mr. CULBERSON, Mr. WELLER, and Mr. UPTON):

H.R. 4623. A bill to prevent trafficking in child pornography and obscenity, to proscribe pandering and solicitation relating to visual depictions of minors engaging in sexually explicit conduct, to prevent the use of child pornography and obscenity to facilitate crimes against children, and for other purposes; to the Committee on the Judiciary.

By Mrs. TAUSCHER (for herself and Mr. SPRATT):

H.R. 4624. A bill to promote the non-proliferation of nuclear weapons and other weapons of mass destruction; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Minnesota (for himself, Mr. GUTKNECHT, Mr. RAMSTAD, Ms. MCCOLLUM, Mr. SABO, Mr. LUTHER, Mr. PETERSON of Minnesota, and Mr. OBERSTAR):

H. Con. Res. 391. Concurrent resolution honoring the University of Minnesota Golden Gophers men's hockey and wrestling teams and the University of Minnesota-Duluth Bulldogs women's hockey team for winning the 2002 National Collegiate Athletic Association championships; to the Committee on Education and the Workforce. considered and agreed to.

By Mr. STARK:

H. Con. Res. 392. Concurrent resolution to protect private decisions about marriage; to the Committee on Education and the Workforce.

By Mr. SIMMONS (for himself, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mr. LARSON of Connecticut, Ms. DELAURO, and Mr. MALONEY of Connecticut):

H. Res. 401. A resolution congratulating the University of Connecticut Huskies for winning the 2002 National Collegiate Athletic Association Division I women's basketball championship; to the Committee on Education and the Workforce. considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LATOURETTE introduced a bill (H.R. 4625) for the relief of Zdanko Lisak; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 113: Mr. SHERMAN.
H.R. 198: Mr. BURTON of Indiana.
H.R. 292: Mr. MCGOVERN.
H.R. 348: Mr. RODRIGUEZ.
H.R. 488: Mr. BLAGOJEVICH.
H.R. 602: Mr. LEACH.
H.R. 690: Ms. SANCHEZ.
H.R. 730: Mr. PAYNE.
H.R. 792: Mr. BENTSEN.
H.R. 898: Ms. MCKINNEY, Mr. KENNEDY of Rhode Island, Ms. MILLENDER-MCDONALD, Mr. MCNULTY, Mr. CLEMENT, Mr. UDALL of New Mexico, Mrs. MALONEY of New York, Ms. CARSON of Indiana, Mrs. JONES of Ohio, and Ms. NORTON.
H.R. 938: Mr. JACKSON of Illinois.
H.R. 1005: Mr. SOUDER.
H.R. 1081: Mr. WOLF and Mr. TAYLOR of Mississippi.
H.R. 1086: Ms. NORTON.
H.R. 1108: Mr. FOLEY and Mrs. TAUSCHER.
H.R. 1109: Mr. COLLINS, Mr. MCCRERY, Mr. HERGER, Mr. KINGSTON, and Mr. SIMMONS.
H.R. 1177: Mr. ACKERMAN.
H.R. 1213: Mr. STRICKLAND.
H.R. 1268: Mr. FOLEY.
H.R. 1309: Mr. HOUGHTON.
H.R. 1343: Mr. SWEENEY.
H.R. 1353: Mr. THUNE.
H.R. 1465: Mr. ABERCROMBIE.
H.R. 1475: Mr. MASCARA.
H.R. 1581: Mr. PRICE of North Carolina, Mr. SHAYS, Mrs. MYRICK, and Mr. HOUGHTON.
H.R. 1613: Ms. HARMAN and Mr. LARSON of Connecticut.
H.R. 1651: Mr. MASCARA.
H.R. 1759: Mr. PRICE of North Carolina.
H.R. 1764: Mr. OBERSTAR.
H.R. 1808: Mr. MASCARA, Ms. VELAZQUEZ, Mr. GUTIERREZ, Mr. LAMPSON, Mr. CAPUANO, Mr. COSTELLO, and Mrs. MINK of Hawaii.
H.R. 1822: Mr. PASTOR.
H.R. 1861: Mr. LAFALCE.
H.R. 1873: Mr. KIND.
H.R. 1904: Mr. HALL of Ohio.
H.R. 1935: Mr. BOUCHER, Mr. CROWLEY, Mr. SCOTT, Mr. THOMPSON of Mississippi, Mr. TIBERI, Ms. KILPATRICK, Ms. RIVERS, Mr. PORTMAN, Mr. DEMINT, Mr. STUPAK, Ms. ROS-LEHTINEN, and Mrs. ROUKEMA.
H.R. 1983: Mr. CANNON.
H.R. 2029: Mr. MCCRERY.
H.R. 2055: Mr. DAN MILLER of Florida.
H.R. 2117: Mr. STARK, Mr. JONES of North Carolina, and Mr. EVANS.
H.R. 2161: Mr. HOLDEN and Mr. SMITH of Washington.
H.R. 2173: Ms. MCCOLLUM and Mrs. CAPPS.
H.R. 2357: Mr. WELLER.
H.R. 2466: Mr. PRICE of North Carolina, Mr. BENTSEN, Mr. MCINNIS, Mr. LAHOOD, and Mr. COLLINS.
H.R. 2487: Mr. NEAL of Massachusetts and Mr. OLVER.
H.R. 2570: Ms. VELAZQUEZ, Mr. RAHALL, and Ms. BROWN of Florida.
H.R. 2623: Mrs. BIGGERT.
H.R. 2638: Mr. SHOWS, Mr. WU, Mr. VITTER, Mr. BONILLA, and Mr. SCHAFFER.
H.R. 2662: Mr. MCDERMOTT.
H.R. 2735: Mr. AKIN, Mr. SWEENEY, and Mr. PASTOR.
H.R. 2763: Mr. BROWN of South Carolina.
H.R. 2788: Mr. PAYNE and Mr. BISHOP.
H.R. 2820: Mr. MARKEY, Ms. KILPATRICK, Mr. HOYER, Mr. BISHOP, Mr. ENGEL, Mr. OLVER, and Ms. LOFGREN.
H.R. 2837: Mr. BLUMENAUER.
H.R. 2874: Mr. SANDERS, Mr. RODRIGUEZ, Mr. RANGEL, Ms. CARSON, of Indiana, Mr. COYNE, and Mr. GEORGE MILLER of California.
H.R. 2974: Ms. RIVERS and Mrs. NAPOLITANO.
H.R. 3132: Mr. THOMPSON of California, Mr. FRANK, Mr. MEEHAN, and Ms. BALDWIN.
H.R. 3185: Mr. GEORGE MILLER of California.
H.R. 3324: Ms. MCCOLLUM, Ms. BROWN of Florida, Ms. DUNN, Mr. PAUL, Mr. ISRAEL, Mr. LAMPSON, and Mr. FRANK.
H.R. 3335: Mr. SCHIFF.
H.R. 3414: Mr. OLVER.
H.R. 3424: Ms. MCCARTHY of Missouri, Mr. HILLEARY, and Mr. YOUNG of Florida.
H.R. 3430: Mr. WILSON of South Carolina.
H.R. 3450: Mr. GILMAN, Mrs. NAPOLITANO, Mr. WELLER, and Ms. WATERS.
H.R. 3464: Mr. CUMMINGS, Mr. LARSON of Connecticut, Mr. LANTOS, Mr. HOLT, and Mr. RANGEL.
H.R. 3469: Mr. FARR of California, Mr. FRANK, Mr. MALONEY of Connecticut, Mr. BRADY of Pennsylvania, Mr. FORD, Ms. MCKINNEY, Mrs. DAVIS of California, Mr. WU, Mr. JACKSON of Illinois, Mrs. CLAYTON, Mr. FROST, Mr. RANGEL, Mr. MCDERMOTT, Mr. HINCHEY, Mr. NADLER, Mr. MCGOVERN, Mr. THOMPSON of California, Mr. HONDA, Mr. OWENS, and Mr. KUCINICH.
H.R. 3478: Mr. THOMPSON of California, Mr. HAYES, and Mr. CALVERT.
H.R. 3491: Mr. ENGLISH.
H.R. 3521: Mr. ACKERMAN.
H.R. 3524: Mr. RODRIGUEZ.
H.R. 3552: Mr. PALLONE, Mr. DOYLE, and Ms. CARSON of Indiana.
H.R. 3569: Mrs. JO ANN DAVIS of Virginia.
H.R. 3631: Ms. ESHOO.
H.R. 3663: Mr. ACKERMAN.
H.R. 3686: Ms. CARSON of Indiana.
H.R. 3729: Ms. SOLIS, Mrs. LOWEY, and Mr. SANDERS.
H.R. 3747: Mr. MORAN of Virginia.
H.R. 3794: Mr. MORAN of Virginia, Ms. SCHAKOWSKY, Mr. HINCHEY, Ms. PELOSI, and Mr. RAMSTAD.
H.R. 3804: Mr. GILCHREST, Mr. FRANK, Ms. KAPTUR, Mr. MCDERMOTT, Ms. WOOLSEY, Ms. RIVERS, Mr. ABERCROMBIE, Mr. DEFAZIO, Mr. GEORGE MILLER of California, Mr. RAHALL, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. KUCINICH, Mr. SAWYER, Ms. MCCOLLUM, Mr. TIERNEY, Mr. ALLEN, Mr. DAVIS of Illinois, and Mr. LEWIS of Georgia.
H.R. 3805: Mr. PENCE and Mr. DELAY.
H.R. 3831: Ms. CARSON of Indiana.
H.R. 3833: Mr. WYNN, Mr. WELLER, and Mr. POMEROY.
H.R. 3834: Mr. LEVIN, Mr. KANJORSKI, Mr. RADANOVICH, Mr. WAMP, Mr. MCDERMOTT, Mr. THUNE, Mr. LEACH, and Mr. ROSS.
H.R. 3884: Ms. SCHAKOWSKY.
H.R. 3887: Mr. MCGOVERN, Ms. VELAZQUEZ, Mr. UDALL of Colorado, and Ms. ROYBAL-ALLARD.
H.R. 3895: Mr. FORBES.
H.R. 3898: Mrs. CHRISTENSEN.
H.R. 3899: Mr. BISHOP.
H.R. 3915: Mrs. MORELLA.
H.R. 3916: Mrs. MINK of Hawaii and Mr. TOWNS.
H.R. 3932: Mr. GREENWOOD, Mr. SABO, Mr. HALL of Ohio, and Mr. DELAHUNT.
H.R. 3961: Mr. BLAGOJEVICH.
H.R. 3973: Mr. PAUL.
H.R. 3976: Mr. FRANK.
H.R. 3995: Mr. KENNEDY of Minnesota, Mr. WHITFIELD, Mrs. JOHNSON of Connecticut, Mr. UPTON, Ms. PRYCE of Ohio, and Mr. YOUNG of Alaska.
H.R. 4000: Mr. WAMP and Mr. FARR of California.
H.R. 4003: Mr. HINCHEY.
H.R. 4012: Mr. RADANOVICH.
H.R. 4017: Mr. GUTIERREZ, Mr. HINCHEY, Mr. MCGOVERN, Mr. SNYDER, Mr. WEXLER, Mr.

FILNER, Mr. LIPINSKI, Mr. BILIRAKIS, Mr. FRANK, and Mr. GONZALEZ.

H.R. 4018: Ms. BALDWIN.

H.R. 4043: Mr. BURTON of Indiana.

H.R. 4055: Mr. DAN MILLER of Florida.

H.R. 4066: Mr. BARTLETT of Maryland, Mr. MORAN of Virginia, Mr. GREEN of Texas, Mr. OLVER, Mr. KIRK, Mr. HALL of Ohio, Mr. FILNER, and Mr. PLATTS.

H.R. 4071: Mr. DEUTSCH.

H.R. 4073: Mr. ROEMER, Mr. HYDE, Mr. LANTOS, and Mr. HOUGHTON.

H.R. 4078: Mr. ACEVEDO-VILA, Mr. TIBERI, and Mr. BLUMENAUER.

H.R. 4098: Mr. MARKEY.

H.R. 4099: Mr. CALLAHAN.

H.R. 4163: Mr. HINCHEY, Ms. CARSON of Indiana, Mr. FORD, and Mr. MCGOVERN.

H.R. 4209: Mrs. CAPPS, Mr. WAXMAN, Mr. SHAW, Mr. DEUTSCH, and Mr. UDALL of Colorado.

H.R. 4447: Mr. LOBIONDO.

H.R. 4448: Mr. LOBIONDO.

H.R. 4481: Mr. OBERSTAR, Mr. LIPINSKI, and Mr. BAKER.

H.R. 4483: Mr. WAMP, Mr. LINDER, Mr. GUTIERREZ, Mr. PENCE, Mr. LAMPSON, Mr. WILSON of South Carolina, Mr. ADERHOLT, Mr. MCGOVERN, Mr. BERMAN, Mr. WEINER, Mr. WEXLER, Mr. RAMSTAD, Mr. SWEENEY, and Mr. FOLEY.

H.R. 4496: Mr. CALLAHAN.

H.R. 4498: Mr. CALLAHAN.

H.R. 4515: Mr. OBERSTAR.

H.R. 4524: Ms. SCHAKOWSKY, Mr. ENGLISH, Mrs. MEEK of Florida, and Mr. MCGOVERN.

H.R. 4582: Mr. MCGOVERN.

H.R. 4584: Mr. BURR of North Carolina, Mr. WHITFIELD, and Mr. PICKERING.

H.R. 4585: Mr. BURR of North Carolina, Mr. WHITFIELD, and Mr. PICKERING.

H.R. 4592: Ms. PELOSI, Mrs. NAPOLITANO, Ms. WATSON, Mr. BERMAN, Mr. FILNER, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Mr. GALLEGLY, Ms. HARMAN, Mr. SCHIFF, Ms. ROYBAL-ALLARD, Mr. RADANOVICH, and Mr. LANTOS.

H.R. 4593: Mr. ISRAEL, Ms. SANCHEZ, Mr. JOHN, and Mr. SANDLIN.

H.R. 4600: Mrs. CAPITO, Mr. SESSIONS, Mr. PITTS, and Mr. WAMP.

H.R. 4608: Mr. RYUN of Kansas and Mr. MOORE.

H.J. Res. 40: Mr. SWEENEY.

H.J. Res. 90: Ms. SANCHEZ.

H. Con. Res. 238: Mr. BROWN of South Carolina.

H. Con. Res. 271: Mr. FERGUSON.

H. Con. Res. 315: Mr. JONES of North Carolina.

H. Con. Res. 336: Mr. GEORGE MILLER of California.

H. Con. Res. 345: Mr. BAIRD.

H. Con. Res. 350: Mr. HEFLEY and Mr. COBLE.

H. Con. Res. 386: Mr. EHRLICH and Mr. GUTKNECHT.

H. Con. Res. 389: Mr. GUTKNECHT, Mr. RAMSTAD, Ms. MCCOLLUM, Mr. SABO, Mr. LUTHER, Mr. PETERSON of Minnesota, and Mr. OBERSTAR.

H. Con. Res. 390: Mr. ISRAEL, Mr. GILMAN, Mr. WALSH, Mr. MCGOVERN, Mr. MEEHAN, Mr. BONIOR, and Mr. MCNULTY.

H. Res. 269: Mr. ISRAEL.

H. Res. 393: Mrs. MORELLA, Mr. ENGLISH, Mr. SHERMAN, Mr. MCGOVERN, Mr. GRUCCI, Mr. HOLDEN, Mr. CANTOR, Mr. SWEENEY, and Mr. SHAYS.

H. Res. 400: Mr. WELDON of Florida, Mr. GREENWOOD, Mr. CASTLE, Mr. HINCHEY, and Mr. WAXMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1950: Mr. DAVIS of Illinois.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2871

OFFERED BY: MR. SANDERS

AMENDMENT NO. 1: At the end of the bill, add the following:

SEC. ___. INFORMATION AND CERTIFICATIONS REQUIRED FROM COMPANIES SEEKING OR RECEIVING NEW ASSISTANCE.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is further amended by adding at the end the following:

''(g)(1) As a condition of providing assistance to a company in connection with a transaction entered into on or after the date of the enactment of this subsection, the Bank shall require the company to submit to the Bank the following information on an annual basis:

''(A) The number of individuals employed by the company in the United States and its territories.

''(B) The number of individuals employed by the company outside the United States and its territories.

''(C) A description of the wages and benefits being provided to the employees of the company in the United States and its territories.

''(2)(A) Beginning 1 year after the Bank provides assistance to a company in connection with a transaction entered into on or after the date of the enactment of this subsection, the company shall, on an annual basis, provide the Bank with a written certification of—

''(i) the percentage of the workforce of the company employed in the United States or its territories that has been laid off or induced to resign from the company during the preceding year; and

''(ii) the percentage of the total workforce of the company that has been laid off or induced to resign from the company during the preceding year.

''(B)(i) If, in the certification provided by the company, the percentage described in subparagraph (A)(i) is greater than the percentage described in subparagraph (A)(ii), then the company shall be ineligible for further assistance from the Bank until the company provides to the Bank a new written certification in which, for the year covered by the new certification, the percentage described in subparagraph (A)(i) is not greater than the percentage described in subparagraph (A)(ii).

''(ii) If the company does not provide a certification required by subparagraph (A), or provides a false certification under this paragraph, then 60 days thereafter the Bank shall withdraw all assistance from the company, and the company shall thereafter be ineligible for assistance from the Bank.''.

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PROCEEDINGS AND DEBATES OF THE *107th* CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, TUESDAY, APRIL 30, 2002 *No. 51*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

A voice from the past calls us to make our work an expression of our faith. In 1780, the father of the American Revolution, Samuel Adams, said:

''If you carefully fulfill the various duties of life from a principle of obedience to your heavenly Father, you will enjoy a peace which the world cannot give nor take away.''

Let us pray: Gracious Father, we seek to be obedient to You as we fulfill the sacred duties of this Senate today. May the Senators and all who assist them see the work of this day as an opportunity to glorify You by serving our country. We renew our commitment to excellence in all that we do. Our desire is to know and do Your will. Grant us a profound experience of Your peace, true serenity in our souls that comes from complete trust in You, and dependence on Your guidance. Free us of anything that would distract us or disturb us as we give ourselves to the task and challenges today. In the Lord's name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 30, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ANDEAN TRADE PREFERENCE ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to H.R. 3009, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that act, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 noon shall be equally divided and controlled between the proponents and opponents of the motion.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. As the Chair has announced, we are now on the Andean trade bill. Until noon there will be remarks of those who favor it and those who are opposed to it. At noon we will vote on Michael Baylson and Cynthia Rufe to be United States District Judges for the State of Pennsylvania. There will be a half hour of debate on those two matters. Then we will vote this afternoon at 2:15, following our normal weekly party conferences.

Following disposition of these nominations, we will again go back to the Andean trade bill. A rollcall vote on adoption of the motion to proceed is expected today, sometime this evening. We hope those who wish to speak on this matter will do so. In the meantime, I ask unanimous consent that time under the quorum call I will initiate be equally charged against the proponents and opponents of this legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COLLEGE EDUCATION COSTS

Mr. TORRICELLI. Mr. President, last year, the Senate made significant strides in easing the burdens of American families facing the mounting costs of a college education. In an initiative that I have sponsored, and in which I take enormous pride—the tax reduction legislation of last year—there is a provision allowing partial tuition, for the first time in American history, to become tax deductible.

Another measure that I successfully authored raised a cap on interest on student loans so that they could become deductible. In many ways, for middle-income families—indeed, for all American families—this was enormously helpful in easing the burden of an expensive college education.

Printed on recycled paper.

You can imagine how distressed I was to discover in recent days that the administration has a new initiative that would now increase the burden of financing a college education—just as we were making all of this progress. The proposal, of course, is to prohibit the consolidation of student loans at low, fixed interest rates. This will compound the problems of millions of American families who rely upon student loans to finance a college education.

Under their current program, a family can take their various student loans, consolidate them in a single loan, and fix them at a determined interest rate, which is predictable and will not alter for the life of the loan. The savings, obviously, will allow students to consider going beyond college to graduate education. It allows young people who have these debts to begin families, buy homes, and start their lives.

Under the alternative proposal by the administration, students graduating from college will have variable interest loans. That would make it impossible to plan young lives. The debts begin at high interest rates and they are then subject to the market.

Young families having children, buying homes, in 5 years could find interest rates at significantly higher levels. They can go from college to graduate school and in the middle of graduate school discover their interest rates are going up and they cannot remain in school. This will affect an incredible 700,000 students per year who will have their finances radically changed by this inability to consolidate loans.

The administration argues that most of this consolidation is being done by medical students or law students who are going to have very high incomes so they can face this burden.

First, that is inaccurate. The average consolidated loan is $15,000. There are hundreds of thousands of students with these loans. Most of them are college students. They are getting bachelor's degrees. They may be going into teaching or social work or business; they may be young entrepreneurs; they could be of any walk of life; but they are at a stage of life when they cannot afford what amounts to a tax.

Make no mistake, this is a tax proposed by the Bush administration on middle-income families and college students. There is scarcely a segment of American society that can less afford a tax increase. This Senate recognized that fact last year. That is why my amendments to make college tuition tax deductible and to raise the cap on the deduction of student loans were accepted. We wanted to reduce the costs of college education, not increase them.

Even if the administration were right and many of these loans were going for medical students or law students or business students, does that make it the right priority for the country? Do we really want to make it even more expensive for people to go into medicine when doctors are already leaving the profession? Do we really want to make it harder for people to go to graduate school when we need engineers and businesspeople with real talents? This cannot be the right priority for the country.

I hope the administration will reconsider this proposal. The administration needs revenue. This cannot be the right way to approach it. Strangely, in this same Congress, while raising taxes on middle-income families and college students, the administration is proposing to revisit the estate tax, which we have already lowered, and increase the threshold so that only less than half of a percentage point of Americans are even subjected to the tax. And the rates on those people have been lowered. We are going to revisit that tax while taxing college students and middle-income families.

I cannot be the only person in this institution who thinks this does not make any sense for the country or the Congress. I hope we do not have a confrontation with the Bush administration on this point. I hope they reconsider it. I hope they withdraw it. It is just the wrong thing to do.

I yield the floor.

I suggest the absence of a quorum and the time be charged equally against both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. INHOFE. Madam President, I also ask unanimous consent that I be recognized as in morning business and that the time I use come off the postcloture time.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPENDING VALUABLE TIME WITH CONSTITUENTS

Mr. INHOFE. Madam President, first of all, I have been a little disturbed recently—I am not mad at anybody—about all of this discussion about what we are doing here and why it is necessary to be here on Mondays and on Fridays when on Tuesdays and Wednesdays and Thursdays we are spending most of our time in quorum calls.

I think there is this Washington, DC, mentality that floats around that somehow if we are not here in Washington, DC, we, as Senators, are not doing our work.

Let me tell you, for those of us who go back to the district and are with our people—in my case, the people of Oklahoma, who make much more sense than anybody makes around this place—that time is more valuable, and it is harder. Our hours are longer. We work long hours when we are back there. Yet we see the bed check votes such as the one that brought us back last night. We come back, and we vote on something we could have been voting on anytime—on Tuesday, Wednesday, or Thursday.

Then you see the press corps around Washington. They all think everything that is worthwhile is happening in Washington. You read the Hill and you read Roll Call and they say it is perfectly reasonable for the majority leader to say everyone ought to be in Washington all the time.

I can tell you one of the problems we have is people who are in Washington all the time lose sight of who real people are. It is so hard to explain to people around here, but people in my State of Oklahoma understand it very well. There aren't any real, normal people in Washington. Everyone is either a Member or they are a staffer or they are a lobbyist or somebody else. To be able to get what is needed for America, you need to get back into real America. Oklahoma is real America. I can cite some examples.

I will be talking to the Duma this afternoon, the Russian Duma, about our new relationship with Russia. When I go back to Oklahoma, they will say: Wait a minute; why do we still have an ABM Treaty that was set up in 1972?

Fortunately, we are going to get rid of that thing. But why did it take this long? It took this long because people around this town don't understand pure logic. The logic is that at one time there were two superpowers, the U.S.S.R. and the United States. And I have to admit, as a Republican, this was done in a Republican administration. Henry Kissinger, back in the Nixon administration, put together something that said: I will make you a deal, U.S.S.R. We won't defend ourselves against you, if you don't defend yourselves against us. And if you shoot us, we will shoot you, and everybody dies and everybody is happy. It is called mutual assured destruction.

That might have made sense to some people back in 1972. It didn't to me, but it might have to some other people. Now we have a totally different world out there in Russia, which is a friend and ally of ours; yet we do have Iraq, Iran, Syria, and Libya, other countries harboring terrorists, developing weapons that will reach the United States, missiles that will reach us. Already China, North Korea, and Russia have such missiles. So how does it make sense in today's world that we don't defend ourselves?

I don't get the answers, but I get the questions when I go back to Oklahoma. Then I have to try to explain to them. I was criticized the other day by some of my conservative friends as to why I voted on some of the amendments in the farm bill. I voted on those because I went back. I have town meetings, as I am sure the Chair is aware. I get around and have as many as five, six in a day.

Oklahoma, particularly in the western part of the State, is agricultural.

In Oklahoma, our farmers have three sources of income: Grain, livestock, and oil. They have this so-called marginal production. For a sustained period of time, all three of these were down, and they were really hurting. I sat down in places such as Shattuck, OK, and Gage, OK. I had farmers coming in and saying: For the first time in five generations, we will have to sell our farm. We can no longer stay in business.

For that reason, I realized that we have to do something that is different than what we have done before in transitioning into a new farm policy. So we did. And some of the amendments I voted for were pretty expensive. Nonetheless, that came from going back to the State, being there and listening to them instead of staying around Washington on the weekends.

On energy and ANWR, I can't believe we took all the time we did in trying to open ANWR for exploration. Here we are in a threatened position. Everyone is aware of it. After September 11, all of a sudden we find ourselves dependent upon other countries for 57 percent of our energy. We don't even pass something that will allow us to open up the Alaska Wildlife Refuge for exploration. I have yet to find one person to go up there to the ANWR on the North Slope of Alaska and come back here shaking their head, wondering why in the world we call that a pristine wilderness. It is nothing but a mud flat. It is a tiny area up there that would give us a great capacity of domestic crude.

In my State of Oklahoma, if we had all of our marginal wells—a marginal well is one that produces 15 barrels or less a day—if we had them all opened, if we had those wells flowing that we have had closed over the last 10 years, that would have produced the same amount of oil as we are currently importing from Saudi Arabia.

When you go back, you talk to real people. Last week, when we were having a town meeting, they were talking about this community planning bill that was going to come out, and now it has come out of the Environment and Public Works Committee. It will be considered on this floor. Do you know what that is all about? What that is about is a recognition that no good decisions are made unless they are made in Washington, DC.

Many years ago when I was mayor of Tulsa, there was a guy named Dr. Robert Fryley. He had gone into San Diego. Pete Wilson was mayor at that time. I was mayor of Tulsa. He had drawn these concentric circles that said: This is the way you should plan your community.

He came to Tulsa in the first 2 or 3 weeks that I was in office. He started talking about Tulsa. I said: Wait a minute. This property is owned by people. These people bought this property. You are going to change the value of the property to these people.

They said: That is of no concern to us.

That is what we now will be considering on the floor of the Senate—a bill that is going to allow us in Washington to decide what we in Tulsa, OK, do with our property.

I see others seeking the floor. I was killing a little time.

The other day I was at Eisenhower School. It is a school that has done some great things in the public school system that others are emulating. I received some letters. I will just read a couple. This one says:

Thank you for my class. Your speech about rights and responsibilities was great and interesting. I really enjoyed you coming. It was fun. I learned a lot. Sincerely, Maggie.

Here is another one:

Thank you so much for your presentation today. Our class really enjoyed it. I liked it a lot. I liked the part where you answered my question. Once again I enjoyed it a lot. Sincerely, Lauren Smith.

I ask unanimous consent that the rest of these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEAR SENATOR INHOFE: I want to thank you for coming to our class. I really learned a lot like the pilgrims really wanted to get to freedom so they traveled even though they knew a lot of them wouldn't survive for a year. I also learned about the government. I learned that there are 100 senators. Two for each state. I felt proud that I got to meet you! It was a pleasure to have you come to our class! You really made it an interesting day!

Sincerely yours,

SUSAN DIAZ.

P.S. I bet you have a big responsibility!

DEAR MR. INHOFE: I wanted to thank you for coming to our class. I had a very good time. I learned new things too like there are 100 senators and 435 representatives. I really like to learn new stuff like that. Thanks again.

Sincerely,

NOAH ZEIGLER.

DEAR SENATOR INHOFE: I want to thank you for teaching me stuff I have never known before. You taught me that the English fought England. It was an interesting visitation. By by.

Sincerely,

KYIA W.

DEAR SENATOR: Thank you for coming to our school. It was very very interesting. I learned that there are 435 State representatives and 100 senators. I think it is amazing that we won the revolutionary war.

I learned that people would strap dynamite on themselves. They thought God would bring them into heaven no matter what. Thank you.

Sincerely,

EVA.

DEAR SENATOR INHOFE: I want to thank you so much for coming to our class. That was a big opportunity that most kids don't get to have.

What I learned over your visit that I thought was really interesting was that people think that God would send them straight to Heaven if they killed themselfs.

Sincerely,

DANIELLE P.

DEAR SENATOR INHOFE: Thank you for coming to our school I enjoyed your presentation. I learned a lot of stuff like how the pilgrims won the Revolutionary War and about our freedoms and laws. I also think it's great that Afganistan got a new government. Thanks again.

Sincerely,

COLIN FERGUSON.

DEAR SENATOR INHOFE: I want to thank you for coming to our classroom. I really enjoyed your presentation. I learned that in Afghanistan they have mountains that are about 12,000 feet tall. I also learned that there are 100 senators. Two come from each state.

Sincerely yours,

BRYCE S.

DEAR SENATOR INHOFE: We really enjoyed you coming to our school. It was one big pleasure that I will never forget. Now I know what is going on in Afghanistan. It is really terrible. I hope you can come back and talk more. I didn't know there were 100 senators.

Sincerely yours,

LATOYA.

DEAR SENATOR INHOFE: It was a pleasure to hear you talk about lots of interesting facts on the Bill of Rights, our religion, our responsibilities, and the revolutionary war. It was a lot of fun having you come. You have taught us a lot of interesting things like, different cultures, and the constitution.

Sincerely yours,

BEN RICKMAN.

DEAR SENATOR INHOFE: I want to thank you for coming to our class. I enjoyed you talking to us. I learned a lot about the government. I learned that there are one hundred senators in the United States. It was a pleasure having you here.

Sincerely,

MATTHEW BREULO.

DEAR SENATOR INHOFE: I want to thank you for coming today. I think Maggie was glad you came today. It was our pleasure to listen to you. Your subject was very interesting. I hope you're right about war. I never knew that there were military grounds in Lawton. I enjoyed listening to you.

Sincerely yours,

ABBY JONES.

DEAR SENATOR INHOFE: I want to thank you for coming and talking about the Bill of Rights and lots of very interesting stuff. I think the most interesting part was when you talked about the Constitution. I enjoyed it very much. It was a pleasure having you here. So thank you.

Sincerely,

AVERY BOYD.

DEAR SENATOR INHOFE: I want to thank you for coming to our class. When you were here I learned that there were 435 state representatives and 100 senators in the United States of America. In each state there are two senators. I also learned that the war with Afghanistan should last about four more years. I hope you have a good day.

Sincerely yours,

HALEY HOLTZSCHER.

DEAR SENATOR INHOFE: I want to thank you for coming. I learned that there is a military base in Lawton. I enjoyed it when we talked about the Bill of Rights.

Sincerely yours,

JACKSON.

SENATOR INHOFE: Thank you for coming to our class. I learned a lot from you. I learned that the pilgrims fought the toughest army

on the face of the earth and won. I also learned that we've had peace since 1776.

Sincerely,

JOHN YUAN.

DEAR SENATOR INHOFE: I want to thank you for telling us about some Bill of Rights. The things that you told us was so interesting. I learned a lot about the pilgrims. How they fought for our freedom. And thanks again for teaching things that I didn't know.

Sincerely yours,

AUBRI SETTLE.

DEAR SENATOR INHOFE: Thank you for coming to our classroom. I learned there are 2 senators from each state. There are so many things I learned they won't fit on this paper. I wish you had more time in our classroom. I hope you have a good spring.

Sincerely,

ETHAN GEHRING

DEAR SENATOR INHOFE: Thank you for coming to 3rd grade. I enjoyed you talking to us about the bill of rights. I learned that there are 100 senators. There are 2 in each state.

Sincerely,

LAUREN RUSSELL.

DEAR SENATOR INHOFE: I want to thank you for coming to our class. Thank you for telling us about the Constitution. Thank you for coming again. Thank you for telling us how you work. Now we know it's a big job.

Sincerely yours,

JOHN PHILIPS HUGHES.

Mr. INHOFE. I wanted to stand in the Chamber and say if we ran this place the way it should be run, we could very easily handle all of the votes we need to handle on Tuesday, Wednesday, and Thursday, and allow those of us who care about going back to our States, spending time with our people and sharing the wisdom we get from the States, as opposed to from Washington, I think we would be a lot better off.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. WELLSTONE. Madam President, the Senator from South Carolina is going to speak for 30 minutes. I ask unanimous consent that I follow the Senator from South Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Madam President, with respect to the Andean trade compact and its re-enactment, and particularly with respect to the intent to put fast track on the particular Andean trade agreement, the contention is that without this fast track, we are missing out on all of these wonderful deals.

I wish I had time to give the litany of the wonderful deals on how the United States of America—from the Tokyo Round, Uruguay Round, right on down to the present scheduled rounds with the WTO and otherwise—has been going out of business. Literally, intentionally, we are going out of business, I would say. What we were trying to do was win the cold war. We wanted to defeat communism with capitalism. We sent over the Marshall Plan, with technology and expertise, and it worked. Everyone is happy with that.

Now, after 50 years, hometowns have been totally depleted of any industrial manufacturing.

Let me get right to the point and bring out the actual facts, using not just the record made here by the U.S. Trade Representative, but by the morning news. Let's look and find out what we are talking about with respect to trade agreements that we have been missing.

Well, if you look at the recent edition of the 2001 Trade Policy Agenda of the President of the United States on the trade agreements program, you will find in the glossary in the back that there are some 200 trade agreements made without fast track.

Do I need to remind the Senate that we just voted on—without fast track—a free trade agreement with Vietnam? Do I need to remind the body that we just voted on a free trade agreement with Jordan? I supported both of those. Do I need to remind them that we passed the Sub-Saharan Africa trade agreement, the Caribbean Basin Initiative Agreement, and the 1997 WTO telecommunications agreement? You can go down the list—and they are all listed in here.

We have made some 200 agreements in the last 10 years—all without fast track. We didn't give total fast track authority to President Clinton because we wanted to deliberate and make sure the economy of the United States was protected. And it has been working. But look not only at the red book here, but with respect to the national news, in the Washington Post, it said this last Thursday:

United States signs trade agreement with eight African nations.

There are eight more trade agreements. We aren't missing out on all these so-called trade agreements. I wish the chairman of the Finance Committee could read the morning paper. He could find out that we did it without fast track. According to the financial news—let me read this to you. This is in the morning Financial Times:

John O'Leary, former U.S. Ambassador to Chile and campaigner on a bilateral accord, said yesterday he expected a deal to be signed this year whether or not Mr. Bush won trade negotiating authority.

. . . ''It's not a matter of consequence who is first past the finishing line,'' he said. ''But the deal with the EU is helpful for Chile because it gives fresh momentum to their negotiations with the United States.''

We read it. If they brought a Chilean trade agreement—I would have to look at it obviously, but why would I vote for it? They have relatively the same standard of living. They have a respected judiciary, they have property rights, they have labor rights, and they are strong on the environment. I voted for NAFTA with Canada because we have relatively the same standard of living. But this total farce that we are missing out on agreements all over the countryside is just wrong, wrong, wrong.

The problem is the loss of jobs. You only have to go to the morning's paper. I hope the chairman, who just left the floor, will listen to this one. Of course, right now the best bet for the next few quarters is probably a jobless recovery in which the gross domestic product rises but unemployment stays high. After all, the economy needs to grow at about 3.5 percent just to prevent the unemployment rate from rising, and the odds are at least even that the growth will fall short of that mark. The funny thing is that a slow jobless and profitless recovery is exactly what level-headed people, such as economists at the Federal Reserve, have been predicting for a long time. So how did a far more bullish view become not just prevalent but more or less mandatory on Wall Street? How, with the business landscape still strewn with the rubble from the bubble, did that manic optimism so quickly become popular again? It seems that hype springs eternal.

That is the morning news, and that is why the Senator from South Carolina only asks for just a closer look.

Let me fulfill my obligation under the Constitution. Article I, section 8, says that—not the President of the United States, not the Supreme Court—but this branch of Government, the Congress of the United States, shall regulate foreign commerce. Now, these pollster politicians who come to Washington and crowd around take the easy course. They say: Free trade, free trade, fast track, fast track—and they don't have to take any responsibility. So when you lose all the jobs in St. Louis and in Charleston, SC, and you look around, you have to sort of take it or leave it. I didn't want to be against free trade, and that is what I had to vote for.

Madam President, it is just terrible when you read in that same New York Times this morning:

Auto Parts Makers Grinding to a Halt

I have another article on a poster board, and I will get into the board debate when some of the others come with their particular boards. But the automobile industry is moving out of the United States. We have foreign locations here. Mercedes is in Alabama, BMW is in South Carolina, and some others are trying to get into the market.

As far as the American manufacturer making that profit is concerned and as far as the American manufacturer keeping on the cutting edge of technology—why did they move to China? General Motors was told by the Chinese they didn't know how to trade. They don't run around saying, be fair, be fair, level the playing field, be fair. That is outrageous child's talk. That doesn't happen in commerce. You trade for the benefit and economic strength and the profit of your company. So the Chinese told General Motors: Not only do you manufacture that GM automobile over here, but the most modern automobile design plant in the world is

in China. And that is as a result of that particular trade agreement that, of course, General Motors made with the People's Republic of China.

The auto parts suppliers are grinding to a halt. They are moving those now. They used to send those down to Mexico, and we would get the finished product—the automobile—back. But you have here a quote from Paul Craig Roberts. Paul Craig Roberts served in the Reagan administration. This was an article in the Washington Times just the other day:

The result is a decline in higher paying jobs in the United States as companies move higher value-added operations abroad to take advantage of cheaper labor.

A recent Cornell University study:

''The Impact of U.S.-China Trade Relations on Workers, Wages and Employment,'' concludes that U.S. companies shift their production to China in order to produce for the U.S. market with cheap Chinese labor. The study estimates that a minimum of 760,000 U.S. jobs have been lost to China since 1992.

''An increasing percentage of the jobs leaving the U.S. are in higher-paying industries producing goods such as bicycles, furniture, motors, compressors, generators, fiber optics, clocks, injection molding and computer components.'' The shift in production is so extensive that the U.S. has run a trade deficit with China in advanced technology goods since 1995.

That is the old wag I was given when as Governor of South Carolina I testified 42 years ago before the old International Tariff Commission. We were about to lose so much of our textile industry that 10 percent of the consumption of clothing textiles in the United States would be represented in imports. In looking around the Chamber right this minute, two-thirds of the clothing I am looking at is imported, 86 percent of the shoes.

Then Tom Dewey, who represented the Japanese at the hearing and ran me around the hearing room, he said: ''But, Governor, let them make the shoes and the clothing. We will make the airplanes and the computers.''

Fast forward to the reality of today. They make the shoes, they make the clothing, they make the airplanes, they make the computers. We have a deficit in the balance of trade in computers and semiconductors.

High-tech, globalization, you have to understand it. Come on. Do not tell this Senator what globalization is. I do not want to sound like Vice President Gore, that I invented it, but I did travel 40 years ago to South America and Europe as a Governor, soliciting their investment. I was looking for jobs. I have been in this game for over 40-some years. Today, we have 117 German plants in little South Carolina.

I will never forget calling on Michelin in June of 1960, down in Paris, France, and I have now four beautiful plants of the French company. I also have the North American wonderful plant of Bowater. I see that rather than me trying to move corporations from overseas to the United States, which I am still trying to do—or more particularly carpetbagging New York in the Northeast—they are overjumping me into Mexico, into China, into Malaysia, into India.

Hewlett-Packard, Motorola, and all the rest of these big-name companies, the high-tech companies, are not saving us. We have to retrain.

I have another page of the Washington Post, ''Dupont Plans to Cut 2,000 Jobs.'' Some of them, of course, are in South Carolina. Everywhere we turn, we hear about cutting jobs, and it is not textiles or low wage jobs. It is high-tech jobs.

I hope the Finance Committee will give me a hearing sometime. I would be delighted to educate that crowd because this is a fix. They have a bunch of oil people and a bunch of farmers and they could care less, as long as they get their depletion allowance and their subsidies, and then they come around hollering, ''Protectionism, protectionism.''

Well, that is the fundamental of government. We have the Army to protect us from the enemies without, and the FBI to protect us from enemies within. We have laws to protect clean air, clean water, the environment. We have Medicare to protect us from ill health. We have antitrust laws to protect us from monopolization and predatory practices. We have safety laws to protect us, safe machinery, safe working places and everything else.

I was in the Rotunda on a cold January day when President Reagan was sworn in for his second term. He raised his hand to preserve, protect, and defend, and everybody clapped. We were all overjoyed, and then we came down into the Senate Chamber and had to listen to a bunch of children running around hollering, ''Protectionism.'' That is the function of government, and the security of this Nation.

It is like a three-legged stool. There is the one leg of the values as a nation, unquestioned. We are admired the world around for America's stand for individual rights, freedom, and democracy.

The second leg is the military. We are the superpower, unquestioned.

The third leg, economics, that is my point. It has been fractured, fractured intentionally, with this so-called free trade. We knew we had to sort of spread the wealth, spread the capitalism in order to defeat communism. It has worked, now to a counterproductive point. We will not be in a position to produce foreign aid, we will not be able to defend freedom the world around unless we have a strong economy.

I will never forget Akio Morita of Sony. We were in Chicago. We had a seminar, and he was talking about Third World nations. He turned and he said: In the Third World, the emerging nations, they have to develop a strong manufacturing capacity in order to become a nation state. Then talking along, he pointed over, and he said: Senator, that world power that loses its manufacturing capacity will cease to be a world power.

And we wonder why we do not have the influence?

They try to transfer it to hate. It is not hate. I have traveled. We have all traveled around. They admire and they like Americans in the Arab countries and everywhere else. You can go into downtown Baghdad, you can go into downtown Tehran in Iran right now, and they will come up to you and talk to you and say glad to see you. Do not give me all that hate stuff.

What is happening is we are losing our economic clout and our economic strength because we are exporting the jobs faster than we can create them.

In the Los Angeles Times, April 2, ''High-Paid Jobs Latest U.S. Export,'' the No. 1 story on the front page of the Los Angeles Times.

I do not believe they read over in the Finance Committee. They give you all of this: We are missing out on agreements; we have to retrain.

They sound like Mao Tse Tung: You have to go out and re-educate.

Let us try it on for size. I had a plant close not long ago, Oneida. They made T-shirts. At the time of their closing, they had more than 400 employees. The average age was 47 years old, and tomorrow morning we have done it Washington's way. We have retrained. We have more than 400 people who are now skilled computer operators. Is a company going to hire the 47-year-old computer operator or the 21-year-old computer operator? You are not taking on the health costs for the 47-year-old and above. You are not taking on those retirement costs. You are going for the youngster who is just as expert. There you go, like we do not understand what is going on.

''Levi Strauss Closing Most U.S. Plants,'' another article, again in April. Every time I look around, they are closing, and what we have, so it is understood, is we have an affirmative action plan to get rid of the jobs. Mind you me, that is what I say, an affirmative action plan to get rid of the jobs.

Why? Well, let me refer to this article from Business Week. Business Week, in 1999, reported on, of all people, Mr. Industrial Success, Mr. Industrialist of All Times, John F. Welch—Jack Welch.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

(From Business Week, Dec. 6, 1999)

WELCH'S MARCH TO THE SOUTH

By Aaron Bernstein

WASHINGTON, Dec. 6.—One of General Electric Co. CEO John F. Welch's favorite phrases is ''squeeze the lemon,'' or wring out costs to maintain the company's stellar profits. In the past year, the lemon-squeezing at GE has been as never before. In a new, superagressive round of cost-cutting, the company is now demanding deep price cuts from its suppliers. To help them meet the stiff goals, several of GE's business units—including aircraft engines, power systems,

and industrial systems—have been prodding suppliers to move to low-cost Mexico, where the industrial giant already employs 30,000 people. GE even puts on ''supplier migration'' conferences to help them make the leap.

GE's hard-nosed new push could spark other companies to emulate its tactics. The supplier crackdown is reminiscent of a similar attempt by former General Motors Corp. parts czar Jose Ignacio Lopez de Arriortua. His efforts largely failed in the face of stiff supplier resistance. But if GE succeeds, other companies could be inclined to try again. GE officials at headquarters in Fairfield, Conn., say the business units are simply carrying out Welch's larger campaign to globalize all aspects of the company. Says Rick Kennedy, a spokesman at GE Aircraft Engines (GEAE): ''We're aggressively asking for double-digit price reductions from our suppliers. We have to do this if we're going to be part of GE.''

GE's efforts to get suppliers to move abroad come just as World Trade Organization ministers start gathering in Seattle on Nov. 30. That timing could help make the GE moves an issue at the talks, where critics will be pointing to just such strategies—and the resulting loss of U.S. jobs to low-wage countries—as the inevitable fruit of unregulated trade. GE's 14 unions hope to make an example in Seattle of the company's supplier policy, arguing that it's paving the way for a new wave of job shifts. They plan to send dozens of members to march with a float attacking Welch. PALTRY WAR CHEST. The campaign by GE's unions, which bargain jointly through the Coordinated Bargaining Committee (CBC), is also the opening salvo of bargaining talks over new labor contracts to replace those expiring next June. Because GE's unions are weak—fully half of their 47,000 members at the company belong to the nearly bankrupt International Union of Electronic workers (IUE)—they'll have a hard time mounting a credible strike threat. Instead, the CBC is planning a public campaign to tar Welch's image. They plan to focus on likely job losses at GE suppliers. The unions also suspect that GE may move even more unionized GE jobs to Mexico and other countries once it has viable supplier bases in place. ''GE hasn't moved our jobs to Mexico yet because our skilled jobs are higher up the food chain,'' says Jeff Crosby, president of IUE Local 201 at GE's Lynn (Mass.) jet-engine plant. ''But once they have suppliers there, GE can set up shop, too.'' His members from parts supplier Ametek Inc. picketed the plant on Nov. 19 to protest GE's pressure on Ametek to move to Monterrey, Mexico.

Although it has never openly criticized Welch before, the AFL–CIO is jumping into the fray this time. Federation officials have decided that Welch's widely admired status in Corporate America has lent legitimacy to a model of business success that they insist is built on job and wage cuts. ''Welch is keeping his profit margins high by redistributing value from workers to shareholders, which isn't what U.S. companies should be doing,'' charges Ron Blackwell, the AFL–CIO's director of corporate affairs. Last year, the AFL–CIO proposed a bold plan to spend some $25 million on a massive new-member recruitment drive at GE, but the IUE wasn't willing to take the risk. So the federation is backing the new, less ambitious campaign that focuses on traditional tactics like rallies and protests. STRONG TIDE. GE's U.S. workforce has been shrinking for more than a decade as Welch has cut costs by shifting production and investment to lower-wage countries. Since 1986, the domestic workforce has plunged by nearly 50%, to 163,000, while foreign employment has nearly doubled, to 130,000. Some of this came from businesses GE sold, but also from rapid expansion in Mexico, India, and other Asian countries. Meanwhile, GE's union workforce has shriveled by almost two-thirds since the early 1980s, as work was relocated to cheaper, nonunion plants in the U.S. and abroad.

Welch's supplier squeeze may accelerate the trend. In his annual pep talk to GE's top managers in Boca Raton, Fla., last January, he again stressed the need to globalize production to remain cost-competitive, as he had done in prior years. But this time, he also insisted that GE prod suppliers to follow suit. Several business units moved quickly to do so, with GEAE among the most aggressive. This year, GEAE has held what it calls ''supplier migration'' conferences in Cincinnati, near the unit's Evendale (Ohio) headquarters, and in Monterey, where an aerospace industrial park is going up.

At the meetings, GEAE officials told dozens of suppliers that it wants to cut costs up to 14%, according to documents about the Monterey meeting at Paoli (Pa.)-based Ametek, whose aerospace unit makes aircraft instruments. The internal report, a copy of which BUSINESSES WEEK obtained, says: ''GE set the tone early and succinctly: 'Migrate or be out of business; not a matter of if, just when. This is not a seminar just to provide information. We expect you to move and move quickly.''' Says William Burke, Ametek's vice-president for investor relations: ''GE has made clear its desire that its suppliers move to Mexico, and we are evaluating that option. We have a long relationship with GE, and we want to preserve it.''

GEAE officials argue that heightened competition leaves them no choice. Jet engines sell for less than they did four years ago, says Kennedy, the unit's spokesman. Almost all GEAE's profits have come from contracts to maintain engines already sold. And that business is getting tougher, with rivals such as United Technologies Corp.'s Pratt & Whitney laying off thousands of workers to slash costs. ''This company is going to make its net income targets, and to do it, we will have to take difficult measures,'' says Kennedy.

Still, even some suppliers don't see the Mexico push as justified. They point out that GEAE's operating profit has soared by 80% since 1994, to $1.7 billion on sales of $10.3 billion. GE, they argue, is leading the cost cuts. ''It's hard to give away 5% or 10% to a company making so much money when most of the suppliers are marginally profitable,'' says Barry Bucher, the CEO and founder of Aerospace International Materials, a $30 million distributor of specialty metals in Cincinnati. Nonetheless, Bucher says he's looking into a joint venture in Mexico in response to the demands from GE, his top customer.

The unions, for their part, worry that GEAE will follow in the footsteps of GE's appliance unit. To remain competitive in that low-skilled, low-margin industry, GE Appliances has slashed its workforce nearly in half at its Appliance Park facility in Louisville, to some 7,500 today. Much of the work has been relocated to a joint venture in Mexico. Union leaders have tried to stave off further job shifts by offering concessions. In early November, the company agreed to a $200 million investment in Louisville in exchange for productivity improvements and lump-sum payments instead of wage hikes for its members. ''We hope GE will see this as a solution they can adopt in jet engines and elsewhere,'' says IUE President Edward L. Fire.

Labor's new campaign may embarrass Welsh and even prompt GE to tone down its demands on suppliers. But it won't rebuilt the union's clout at the bargaining table the way a serious organizing drive might have done. Until that happens, Welch probably has little to fear from his restive unions.

Mr. HOLLINGS. I read:

One of General Electric Co. CEO John F. Welch's favorite phrases is ''squeeze the lemon,'' or wring out costs to maintain the company's stellar profits.

How did you squeeze that lemon? I am thinking now that he is squeezing something else. Squeezing that lemon in Mexico, he said to all of his suppliers two years ago. You have to go down to Mexico and cut the cost of your particular supplies, or you will not be a supplier of General Electric.

When the best of the best blue-chip corporations of America has an affirmative action plan to get rid of the jobs and the industrial security of the United States of America, we are really in trouble. How does it occur? It is a natural thing.

In manufacturing, 30 percent of volume is in the labor costs. As much as 20 percent of sales can be saved by moving offshore to a low-wage country or down to Mexico, India, or China. If you retain your executive office, of course your sales force, but move your manufacturing offshore, if you have $500 million in sales, you can reap a profit of $100 million before taxes. Or you can stay in America, continue to work your own folks, and go broke. That is how they look at it.

So with the policies we have, they are not only moving their manufacturing, they are moving the executive office to Bermuda. They want the protection of the United States of America, but they don't want to participate in building up that protection. They want a free ride. That is why I say, in the Senate, we are in the hands of the Philistines. When my friend Bobby Kennedy really came in to national recognition he had published a book ''The Enemy Within.'' He was talking about organized labor. Now I can write the book ''The Enemy Within,'' and I can talk about management.

Who is opposing us in the Senate, trying to create jobs, trying to hold together the strength of our economy, trying to maintain our industrial backbone? Who opposes this? The Business Roundtable, the Conference Board, the National Association of Manufacturers, the Chamber of Commerce, the National Federation of Independent Business, the retailers that make a bigger profit, newspapers that take the handouts from the retail associations. They make the most of their profits in newspapers from retail advertising. So they put out those things, free trade, free trade, fast track, fast track, and here comes the whole K Street crowd.

I came here 35 years ago on the Commerce Committee. The very first person in the office on trade was a Japanese representative. No longer now. I haven't seen anyone from Japan in Lord knows when. I am trying to get there to see our Ambassador over there, Howard Baker. I respect their productivity and I have watched as we cry babied along. We never did open up their market. It was always a one-way street.

In fact, the Japanese got to the position of saying, wait a minute, we are not going to buy your bonds if that is what you want to do in trade. We found out long since that the Secretary of the Treasury really is trying to sell, as in the morning headlines, which says we have a deficit, so he is trying to issue $1 billion in bonds, borrowing $1 billion. We have had the Japanese juggle our trade policy.

But more than anything else, we have the arrogance now of the U.S. Chamber of Commerce. I speak advisedly of that body. Ten years ago I was their man. I was the Man of the Year of the U.S. Chamber of Commerce, if I quote correctly, Robert Thompson, who was the national president. He had me going around making talks and everything else because I had a standoff with my good friend Russell Long of Louisiana. We had labor law reform. On eight votes, up and down for cloture, I won and prevailed.

I don't come here as an enemy of business. I know way more in experience, I should say, about getting jobs and creating jobs, instituting technical training, imparting the tools, high tech, and globalization than most because I have been in the game. I am a friend of business, but I am a greater friend of the United States. I hate to see my country go to pot with this childish nonsense of free trade. We are missing out on agreements. Since NAFTA, I have lost 53,900 textile jobs alone. My friend, the Senator from North Carolina, Mr. HELMS, lost 124,000; 27,000 have been lost by the Senator from Mississippi. I don't know whether he is with us or not.

This is what the Chamber of Commerce, Tom Donohue, says, and he knows nothing about trade. In yesterday's National Journal's Congress Daily, I quote Tom Donohue, the president of the U.S. Chamber of Commerce. He said the Chamber would not accept a bill weighted down by amendments that exceed the average man or woman's sense of what is appropriate for the bill. We will kill it and the people who loaded it up will pay a political price. Donohue also said that the business community has been patient and supportive through the political process to get the trade authority bill before the Senate, but there will be dire consequences if the bill collapsed under partisan politics.

I know of many manufacturing companies that will move their operations offshore. I brought that message home to specific legislators about firms and their States and districts.

That is a threat from the U.S. Chamber of Commerce.

Tell him to wake up. He headed the Trucking Association when Jack Welch was putting in his affirmative action plan to get rid of the jobs and move to Mexico. Donohue now will warn you they will move. Everybody knows this has been going on for 10 years. We are going out of business.

I wanted to bring that story home in this debate, not asking to vote pro or con with respect to a particular trade measure. As I say, I voted for Vietnam; I voted for Jordan; I voted for NAFTA with Canada. It is protecting not only your economy and your industrial strength but your standard of living.

Incidentally, on the one hand, you can certainly bar child employment, children and youth production. But you are not going to get Mexico to pass environmental laws we have. Or the labor laws. They have that advantage. In China, in India, in Malaysia, the competition can keep on whistling ''Dixie,'' keep talking. It will not happen. It is not going to happen, and you can't blame them. If you were running the country of China, you would do the same thing. You wouldn't run around and say we have to get with the Americans and level the playing field, and put in these labor reforms, and put in these environmental requirements because we want to be seen as being fair. It is just absolute nonsense.

Madam President, what happens is Republican and Democrat Senators unanimously support these requirements before you open up Carnahan Manufacturing. Think about it. Before you open your manufacturing plant, you are going to have to have minimum wage, clean air, clean water, Social Security, Medicare, Medicaid, plant closing notice, parental leave, safe working place, safe machinery, antitrust provisions. And everything else of that kind.

You can go down to Mexico and pay 90 cents an hour and have none of those requirements.

In order to compete, is it the case we are going to go back and retrench on this high standard of living? No; not at all. That will never happen. But we will have to maintain a balance with respect to the economic strength. We have to maintain our steel production.

I will never forget, in 1961, before we got President Kennedy to enunciate his seven-point textile program, under the law—and, incidentally it is the law today—that before the President can take executive action unilaterally on a trade measure, he must prove that product is important to the national security of the United States. At that time we corralled five Cabinet members—one sub-Cabinet of the five, George Ball, because Dean Rusk was too busy, from the Department of State; Luther Hodges, Secretary of Commerce; Orville Freeman, the Secretary of Agriculture; Douglas Dillon, the Secretary of the Treasury, was there; and the Secretary of Labor, Arthur Goldberg.

They had hearings and we brought the witnesses. They made a finding, and the record is still there, that second to steel, textiles was the most important to our national security. The wag at the time was you cannot send them to war in a Japanese uniform—because they were bringing in all those textiles. The Japanese don't fool with textiles anymore. They have gone high-tech. Now you would say you wouldn't send them to war in a Chinese uniform and Gucci shoes. You have to have the clothing. You have to have the uniforms. So you have to have that measure because it is important to our national security.

We have to maintain a modicum of textile manufacturing. We certainly have to maintain the ability to produce steel. We have to retain these other industries—electronics, with respect to watch-making, and fine tooling, and hand tools, and computers. We have to retain some production of semiconductors and the like.

In doing that, let's correlate, if you please, our 28 agencies and departments into one department of trade and commerce. We are all over the lot. It is our fault. We have to begin to enforce our trade laws against dumping. We can't let Wal-Mart sell below cost. They would be in trouble. We would get them for antitrust, Robinson-Patman violations, and we would send them to the hoosegow. In international trade that happened in steel. Bob McNamara went running the world around saying to the Third World countries that in order to be a nation state, you have to have steel for the tools of agriculture and the weapons of war. So they had 2-percent steel plants built all over Latin America and the Middle East.

I have been into that game. Yes, the President was correct in moving on steel because they are dumping steel. I see it. My office is in Charleston, SC. I can look on the dock and see all of this Brazilian steel coming in at less than cost, putting out of business, 25 miles away, Nucor, the most productive of all steel plants in the world.

Please, spare me from the idea of productivity. If you go to the international section of the United Nations, if you go to the Labor Department, Department of Vital Statistics or otherwise, you will find they will agree the world around, the most productive industrial worker is the U.S. industrial worker. We keep nagging: We have to get productivity up. My steel plant is the most productive in the world, and they are dumping steel at less than cost and criticize the President for moving on this particular score. He was right. He is right. We have to maintain that.

We have to get a value-added tax to pay for this war on terrorism that is costing the country and offset the 17-percent value added tax advantage. For example, in Europe where it is rebated, it is costing us a 17-percent differential in trade right there.

Enforce our dumping laws, but please do not say you have to get more productive. What is not producing is not the industrial worker in the United States, it is the U.S. Congress. We haven't produced. We have been running around like lemmings: Free trade, free trade, fast track, fast track—having no idea in the Lord's world what we are doing; whereas we are exporting jobs faster than we can create them.

My time is up. I yield the floor.

Mr. REID. Madam President, we are, in a minute or 2, going to turn to two judicial nominations. We have had a number of Senators wishing to speak on the motion now before the Senate, so I ask unanimous consent that when the votes are completed this afternoon on the two judges, the Senator from Texas, Mrs. HUTCHISON, be recognized for up to 15 minutes; following her remarks, Senator WELLSTONE be recognized for up to 1 hour; following that hour, someone designated by the Republican leader would speak for 1 hour; and following that, Senator BAUCUS, chairman of the Finance Committee, would be recognized for 1 hour.

The majority leader wanted to have a vote on this tonight with the consent of Senator HOLLINGS and others, but it appears now there are a significant number of people who want to speak so that will probably necessitate carrying the vote over until tomorrow. I have not checked with the leader on that for sure.

I propound the request for the speakers who have been lined up. I have checked this out with the minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, what is now the business before the Senate?

EXECUTIVE SESSION

NOMINATION OF MICHAEL M. BAYLSON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NOMINATION OF CYNTHIA M. RUFE, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER (Mrs. CLINTON). Under the previous order, the Senate will now go to executive session to proceed to the consideration of Executive Calendar Nos. 778 and 779.

The Senator from Nevada.

Mr. REID. Madam President, the two managers, Senators LEAHY and HATCH, are not here. I therefore ask unanimous consent that during the quorum call I will suggest in just a minute the time be charged—equally against the two managers—on the motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, is the Senator from Vermont correct that following the two parties' caucuses this afternoon there will be two rollcall votes on judicial nominees?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Madam President, I will speak about that, but, first, I compliment the distinguished Presiding Officer and her colleague from New York for their invaluable help behind the scenes as we were fighting for the farm bill. As a result, the dairy farmers in my State of Vermont and in her State of New York are better off. I thank both Senator CLINTON and Senator SCHUMER for their help in that regard.

With today's votes, the number of federal judges confirmed since the change in Senate majority fewer than 10 months ago now exceeds 50 and totals 52. Under Democratic leadership, the Senate has confirmed more judges in fewer than 10 months than were confirmed by the Republican-controlled Senate in the 1996 and 1997 sessions combined. We have accomplished in less than one year what our predecessors and critics took two years to do.

The number of judicial confirmations over these past 10 months—52—exceeds the number confirmed in four out of six full years under Republican leadership, during all 12 months of 2000, 1999, 1997 and 1996. And we are ahead of the pace for all the years of Republican control. It exceeds the number of confirmations in the first year of the Reagan Administration by a Republican Senate majority. It is almost double the number of confirmations in the first year of the Clinton Administration by a Democratic Senate majority. And it is more than triple the number of judges confirmed for the George H.W. Bush Administration by a Senate of the other party.

The confirmation of Judge Rufe and Mr. Baylson today illustrates the progress being made under Democratic leadership, and the fair and expeditious way in which we have considered nominees. With today's confirmations, we will have confirmed three district court judges to the Eastern District of Pennsylvania in fewer than four months. On April 18th, the Senate confirmed, by a vote of 94 to zero, Judge Legrome Davis to the U.S. District Court for the Eastern District of Pennsylvania. Judge Legrome Davis was first nominated to the position of U.S. District Court Judge for the Eastern District of Pennsylvania by President Clinton on July 30, 1998. The Republican-controlled Senate took no action on his nomination and it was returned to the President at the end of 1998. On January 26, 1999, President Clinton renominated Judge Davis for the same vacancy. The Senate again failed to hold a hearing for Judge Davis and his nomination was returned to the President on December 15, 2000, after two more years of inaction in a second full Congress while the Senate was controlled by a Republican majority. Under Republican leadership, Judge Davis languished before the Committee for 868 days without a hearing, notwithstanding the strong support of Senator SPECTER. But he was unable to get the support he needed for him to go through.

This year we have moved expeditiously to consider Judge Davis. Judge Davis was nominated by President Bush in late January 2002 and he received a unanimous vote by the Judiciary Committee on April 11th—fewer than three months after his nomination and less than one month after his paperwork was completed. The saga of Judge Davis recalls for us so many nominees from the period January 1995 through July 10, 2001, who never received a hearing or a vote and who were the subject of secret anonymous holds by Republicans for reasons that were never explained. Judge Davis was a nominee held up for almost three years and when the Senate was finally allowed to vote on his nomination, he was confirmed by a vote of 94 to 0.

Judge Rufe and Mr. Baylson help fill vacancies on the Pennsylvania District Courts that existed long before the majority shifted last summer. One of the two vacancies has existed since December 31, 1998. Despite the fact that President Clinton nominated David Fineman to fill this judicial vacancy, Mr. Fineman never received a hearing and his nomination was returned to the President without action at the end of 2000. In contrast, we have moved expeditiously, as with Judge Davis, to consider Judge Rufe and Mr. Baylson. Both nominees were nominated by President Bush in January, received a hearing within days of their files being complete, and are being confirmed approximately three months after their nominations. Both nominees have been practicing law for more than 25 years and have a distinguished history of public service.

As our action today demonstrates, again, we are moving at a fast pace to fill judicial vacancies with nominees who have strong bipartisan support. I have a chart—I always have a chart, Madam President—and it demonstrates, that we are moving at a fast pace to fill judicial vacancies, especially with those nominees who have strong bipartisan support.

Partisan critics of these accomplishments ignore the facts. The facts are that we are confirming President Bush's nominees at a faster pace than the nominees of prior presidents, including those who worked closely with a Senate majority of the same political party. I again point out these are nominees who, by and large, are Republicans, by and large, are conservative Republicans, but, by and large, have bipartisan support.

As long as I am Chairman of the Senate Judiciary Committee, I will do everything possible to protect the integrity and the independence of the Federal judiciary. I will not support an effort by any President—Republican or

Democrat—to hang a sign on the courthouse door saying: only people of a certain political persuasion can have a fair hearing before those judges. I do not want the American public to look at a court and say: I am eligible to have my case heard in that court, but only if I am a very conservative Republican or I am a very liberal Democrat or if I am White or if I am Black or if I am poor or if I am rich. That is not the way it should be.

The distinguished Presiding Officer is a lawyer, and she knows that the Federal courts are supposed to be our bulwark of independence. It is one of the first things you learn in law school: The Federal court is a place you go where not only is justice supposed to be colorblind, it is supposed to be politically blind. And I do not believe I am fulfilling my constitutional obligations in the Senate if I vote for nominees who are put in for a specific purpose, to give an ideological slant of either the right or the left to the Federal courts.

I want everyone to know that, when they come to a Federal court, it will make no difference whether they are Republican or Democrat or rich or poor. No matter what their color, no matter what their religion, no matter what their age, no matter what their background, they should know they are going to be treated the same.

The judges that we have confirmed, as shown on this chart, passed that test. That is why both Republicans and Democrats have voted for them.

Now, in fact, I should point out that the rate of confirmation in the past 10 months actually exceeds the rates of confirmation in the past three Presidencies.

For example, in the first 15 months of the Clinton administration, 46 judicial nominees were confirmed, a pace on average of 3.1 per month. In the first 15 months of the first Bush administration, judges were confirmed at a pace of 1.8 judges per month.

Even in the first 15 months of the Reagan Administration, when a staunchly Republican majority in the Senate was working closely with a Republican President, 54 judges were confirmed, a pace of 3.6 per month. In fewer than 10 months since the shift to a Democratic majority in the Senate, President George W. Bush's judicial nominees have been confirmed at a rate of more than 5.2 judges per month, a faster pace than for any of the past 3 Presidents.

During the six and one-half years of Republican control of the Senate, judicial confirmations averaged 38 per year a pace of consideration and confirmation that we have already exceeded under Democratic leadership over these past 10 months in spite of all of the challenges facing Congress and the Nation during this period and all of the obstacles Republicans have placed in our path. As of today, we have confirmed 52 judicial nominees in just 10 months. This is almost twice as many confirmations as George W. Bush's father had over a longer period—27 nominees in 15 months—than the period we have been in the majority in the Senate.

I suspect the reason you hear so many complaints from the Republican side is that they are hoping people will not look at the facts, that they are hoping the people will not remember what they did to President Clinton. They do not want to have to admit what is an irrefutable fact, that the Democratic-controlled Senate is treating President George W. Bush far better than a Republican-controlled Senate treated President William Jefferson Clinton.

And, frankly, I get a little bit weary of the misstatements, I get a little bit weary of having members of my committee attacked for their patriotism or for their religion by those who feel we are not automatically rubberstamping the President's nominees. The Constitution says: advise and consent. It does not say: rubberstamp.

But I have also been here with six Presidents. I have had the same position with Republican Presidents and Democratic Presidents. I will not vote for anybody who is going to diminish the independence of the Federal judiciary.

In fact the Republican critics, because they do not want to admit the fact that we are moving much faster than they did with a Democratic President, typically compare apples to oranges to mischaracterize the achievements of the last 10 months.

They complain that we have not done 24 months of work in the fewer than 10 months we have been in the majority.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Madam President, I see nobody seeking recognition. I ask unanimous consent to be able to continue for at least 1 minute after somebody else seeks recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Ironically, with today's confirmations, we even meet that unfair standard: Within the last 10 months we have confirmed about as many judges—52—as were confirmed by the Republican majority in the entire 1996 congressional session and in all of 1997 combined. We are now meeting their two-year figures is less than 10 months. Oh, and if you were wondering about Court of Appeals judges confirmed in the 1996 and 1997 sessions combined—their total was 7. We have already confirmed 9 in fewer than 10 months.

A fair examination of the rate of confirmation shows that Democrats are working harder and faster on judicial nominees, confirming judges at a faster pace than the rates of the past 20 years. The double standards asserted by Republican critics are just plain wrong and unfair, but that does not seem to matter to Republicans intent on criticizing and belittling every achievement of the Senate under a Democratic majority.

The Republican attack is based on the unfounded notion that the Senate has not kept up with attrition on the District Courts and the Courts of Appeals. Well, the Democratic majority in the Senate has not only been keeping up with attrition but outpacing it, and we have started to move the vacancies numbers in the right direction—down. By contrast, from January 1995 when the Republican majority took over control of the Senate until they relinquished control in June 2001, federal judicial vacancies rose by 65 percent, from 63 to 105.

The Republican majority assumed control of judicial confirmations in January 1995 and did not allow the Judiciary Committee to be reorganized after the shift in majority last summer until July 10, 2001. When I became Chairman of a Committee to which Members were finally assigned on July 10, we began with 110 judicial vacancies. With today's confirmation of Judge Rufe and Mr. Baylson, we have reduced the overall number of judicial vacancies to 88 and the number of district court vacancies to 58. Already, in fewer than 10 months in the majority, we more than kept up with attrition and begun to close the judicial vacancies gap that nearly doubled under the Republican majority. Under Democratic leadership, we have reduced the number of district court vacancies by almost 25 percent and the overall number of judicial vacancies by 20 percent, to below 90.

I happen to have a chart that shows what we have been doing. We see the trend under the Republican majority going up, and then we see the trend under the Democratic majority and how we have brought the vacancy number down.

The Democratic majority in the Senate has also kept up with attrition on the Courts of Appeals and been acting to close the vacancies gap on the Courts of Appeals that more than doubled under the Republican majority. Vacancies on the Courts of Appeals rose from 16 to 33 in the period January 1995 to July 2001, before the Senate was allowed to reorganize after the shift in majority last summer.

In the fewer than 10 months since the change in majority, the Senate has confirmed nine judges to the Courts of Appeals and more than kept up with the five vacancies that had arisen since July. In contrast, the Republican-controlled majority averaged only seven confirmations to the Courts of Appeals per year. Seven. This is what is somewhat distressing. I suppose they think if they keep saying it enough, the public will be fooled and the press will be fooled. I am willing to bet ultimately neither will.

In the fewer than 10 months the Democrats have been in the majority, we have already exceeded the annual number of Court of Appeals judges confirmed by our predecessors. The Senate

in the last 10 months has confirmed as many Court of Appeals judges as were confirmed in all of 2000 and more than were confirmed in 1997 or 1999, and nine more than the zero from 1996. Another way to put it is that within the last 10 months, the Democratic majority in the Senate has confirmed as many Court of Appeals judges as were confirmed in the 2000 and 1996 sessions combined and confirmed more Court of Appeals judges than were confirmed in the 1999 and 1996 sessions combined or in the 1997 and 1996 sessions combined. Simply put, in fewer than 10 months we have already exceeded the number of Court of Appeals judges confirmed by a Republican majority in four of the six years in which they were in control. No matter what standard you use, we are moving very fast.

Under Republican leadership from 1995 through July 10, 2001, vacancies on the Courts of Appeals increased from 16 to 33, more than doubling.

When I became chairman of a Committee to which Members were finally assigned on July 10, we began with 33 Courts of Appeals vacancies. That is what I inherited. Since the shift in majority last summer, five additional vacancies have arisen on the Courts of Appeals around the country. With last week's confirmation of Judge Howard, we have reduced the number of circuit court vacancies to 29. That is, we have kept up with attrition by confirming five Court of Appeals judges and then acted to lower the number of vacancies by confirming four additional judges. Those are the facts. Since our Republican critics are so fond of using percentages, I will say that we will have now reduced the vacancies on the Courts of Appeals by more than 12 percent in the last 10 months.

Rather than the 38 vacancies that would exist if we were making no progress, as some have asserted, there are now 29 vacancies—that is more than keeping up with the attrition on the Circuit Courts. Republican critics unfairly seek to attribute to the Democratic majority the lack of action by the Republican majority before the historic change last summer.

While the Republican Senate majority increased vacancies on the Courts of Appeals by over 100 percent, it has taken the Democratic majority fewer than 10 months to reverse that trend, keep up with extraordinary turnover and, in addition, reduce circuit court vacancies overall. This is progress.

Rather than having the circuit vacancy numbers skyrocketing, as they did overall during the prior six and one-half years—more than doubling from 16 to 33—the Democratic-led Senate has reversed that trend. The vacancies numbers are moving in the right direction down.

Overall, in fewer than 10 months, the Senate Judiciary Committee has held 17 hearings involving 61 judicial nominations. With today's actions, we will have confirmed 52 of those nominees. By contrast, in the first 10 months of Republican control of nominations they held only 10 hearings and confirmed only 36 judges. We have held more hearings on judges than the Republican majority held in any year of its control of the Senate. The Republican majority never held 17 judicial confirmation hearings in 12 months.

Indeed, one-sixth of President Clinton's judicial nominees—more than 50—never got a Committee hearing and Committee vote from the Republican majority, which perpetuated long-standing vacancies into this year.

Despite the new-found concern from across the aisle about the number of judicial vacancies, no nominations hearings were held while the Republicans controlled the Senate in the 107th Congress last year. No judges were confirmed during that time from among the many qualified circuit court nominees received by the Senate on January 3, 2001, or from among the nominations received by the Senate on May 9, 2001.

The Democratic leadership acted promptly to address the number of district and circuit vacancies that had been allowed to grow when the Senate was in Republican control. The Judiciary Committee noticed the first hearing on judicial nominations within 10 minutes of the reorganization of the Senate and held that hearing on the day after the Committee was assigned new members.

That initial hearing included two District Court nominees and a Court of Appeals nominee on whom the Republican majority had refused to hold a hearing the year before. Within two weeks of the first hearing, we held a second hearing on judicial nominations that included another Court of Appeals nominee. I did try to schedule some District Court nominees for that hearing, but none of the files of the seven District Court nominees pending before the Committee was complete. Similarly, in the unprecedented hearings we held for judicial nominees during the August recess, we attempted to schedule additional District Court nominees but we could not do so if their paperwork was not complete. Had we had cooperation from the Republican majority and the White House in our efforts, we could have held even more hearings for more District Court nominees. Nevertheless, in fewer than 10 tumultuous months, the Committee has held 17 hearings involving 61 judicial nominations.

The Senate Judiciary Committee is holding regular hearings on judicial nominees and giving nominees a vote in Committee, in contrast to the practice of anonymous holds and other obstructionist tactics employed by some during the period of Republican control. The Democratic majority has reformed the process and practices used in the past to deny Committee consideration of judicial nominees. We have moved away from the anonymous holds that so dominated the process from 1996 through 2000. We have made home State Senators' blue slips public for the first time.

I do not mean by my comments to appear critical of Senator HATCH. Many times during the six and one-half years he chaired the Judiciary Committee, I observed that, were the matter left up to us, we would have made more progress on more judicial nominees. I thanked him during those years for his efforts. I know that he would have liked to have been able to do more and not have to leave so many vacancies and so many nominees without action.

I hope to hold additional hearings and make additional progress on judicial nominees. In our efforts to address the number of vacancies on the circuit and district courts we inherited from the Republicans, the Committee has focused on consensus nominees for all Senators. In order to respond to what Vice President CHENEY and Senator HATCH now call a vacancy crisis, the Committee has focused on consensus nominees. This will help end the crisis caused by Republican delay and obstruction by confirming as many of the President's judicial nominees as quickly as possible.

Most Senators understand that the more controversial nominees require greater review. This process of careful review is part of our democratic process. It is a critical part of the checks and balances of our system of government that does not give the power to make lifetime appointments to one person alone to remake the courts along narrow ideological lines, to pack the courts with judges whose views are outside of the mainstream of legal thought, and whose decisions would further divide our nation.

Some on the other side of the aisle have falsely charged that if a nominee has a record as a conservative Republican, he will not be considered by the Committee. That is simply untrue. The next time Republican critics are bandying around charges that the Democratic majority has failed to consider conservative judicial nominees, I hope someone will ask those critics about all the Federalist Society members we have confirmed and the Republican activists we have confirmed without a single dissenting vote. I do not believe that President Bush is nominating liberals and neither does the White House.

The Committee continues to try to accommodate Senators from both sides of the aisle. The Court of Appeals nominees included at hearings so far this year have been at the request of Senator GRASSLEY, Senator LOTT, Senator SPECTER, Senator ENZI, Senator SMITH, and Senator THOMPSON—six Republican Senators who each sought a prompt hearing on a Court of Appeals nominee who was not among those initially sent to the Senate in May 2001.

I tried to accommodate them. They asked if we could move their nominees ahead in the queue. We did. We heard them. We confirmed them. But knowing that no good deed goes unpunished, having moved nominees at the request

of Republican Senators, moved theirs ahead of others, the same Republican Senators signed letters saying: It is terrible we are not moving them in order.

I have tried to accommodate them as much as I could. We would be moving a lot slower if we were going exactly in order. What we are trying to do is get those nominees on whom there is some consensus through first. That will put as many judges on the bench as possible.

I ask my colleagues, please, try to at least wait more than a week after I have accommodated you in moving your judge up for a hearing and getting them confirmed before you send out a letter saying: Why aren't you confirming more judges? I don't want to embarrass Senators by having a chart showing some of the letters and some of the statements they have made asking me to take their judges out of order, and then putting them side by side with their letters criticizing me for taking judges out of order. I am not going to do that, although I get sorely tempted.

I am also sorely tempted because the problems we are talking about arose on a Republican watch, while they were in the majority. It reminds me a little bit of an arsonist we had in Vermont when I was a prosecutor. There was a fellow who used to complain that the fire department wasn't responding fast enough. He was setting the fires. He was the one setting the fires. Rest his soul, he is no longer with us, but he used to complain they weren't responding fast enough, and he was the one setting the fires.

The whipsawing by the other side is truly remarkable. When we proceed on nominees that they support and on whom they seek action, we are criticized for not acting on others. When we direct our effort to trying to solve problems in one Circuit, they complain that we are not acting in another.

I imagine that over the next 10 days we will be hearing a refrain about the most controversial of President Bush's nominees who have not yet participated in a hearing. Some of them do not have the necessary home-state Senator support needed to proceed. Some will take a great deal of time and effort for the Committee to consider. I hope to be able to do something else that our Republican counterparts never did, which is to announce some scheduling decisions well in advance of hearings to come over the next several months.

But I do find it amazing that in spite of all we have done, all we are doing, and the fact that judges are moving much faster than they did in the past 6 years, our partisan critics will act as if we have not held a single hearing on a single judicial nominee. They will not acknowledge their role in creating what they now call a judicial vacancies crisis. They will not apologize for their harsh tactics in the six and one-half years that preceded the shift in majority.

They will not acknowledge that the Democratic majority has moved faster on more judges than they ever did. That will not acknowledge that we have been working at a record pace to seek to solve the problems they created.

We will keep on working. I am sure I will keep on listening to the partisan sniping, but we will keep moving faster than they ever did when they were in charge.

I remind everybody that this Senator would never vote for a nominee whose sole purpose in being there is to detract from the independence of the Federal judiciary and, instead, is intending to make the Federal judiciary ideologically pure one way or the other—and I don't care which way it goes; I will not vote for such a person. I want people to know that if any Vermonter or anybody from any State goes into a Federal court, they are going to have a fair hearing, and they will not be judged based on political party or political ideology. Whether they are plaintiff or defendant, whether they are Government or defendant, or whether they are rich or poor, they should be treated the same.

Each of the 52 nominees confirmed by the Senate has received the unanimous, bipartisan backing of the Committee. The confirmations of Judge Rufe and Mr. Baylson make the 51st and 52nd judicial nominees to be confirmed since I became Chairman last July. I would like to commend the members of the Judiciary Committee and our Majority Leader Senator DASCHLE and Assistant Majority Leader Senator REID for all of their hard work in getting us to this point.

The confirmation of the 52nd judge in fewer than 10 months, especially these last 10 months, in spite of the unfair and personal criticism to which they have each been subjected, is an extraordinary achievement and a real example of Democratic Senators acting in a bipartisan way even some on the other side have continued to make our efforts toward progress as difficult as possible.

U.S. POLICY TOWARD COLOMBIA

Mr. LEAHY. Madam President, I want to turn to another important topic—the situation in Colombia. Two weeks ago, Colombia's President, Andres Pastrana, was in Washington for what may have been his last official visit before the elections in May to choose his successor. He cannot run again under Colombia's Constitution. While I am sorry to see him leave, I am proud that he is departing through a democratic transfer of power, confirming, once again, his commitment to democracy in Colombia. I respect President Pastrana. I admire his attempts to bring peace to Colombia and his successes in improving relations between our two nations.

I do, however, have concerns about the administration's request for more assistance to Colombia. The reason we are given as to why we are spending such large sums of money in Colombia seems to change frequently—from fighting an insurgency to combating terrorism to protecting democracy to reducing the flow of drugs. Before we spend even more money down there, I hope the administration will articulate a clear plan, look carefully at the billions we have spent with little to show for it, and understand Colombia's need to take more responsibility for their own problem.

Colombia should not be blamed for America's drug problem. Even if no cocaine or heroin came here from Colombia, illegal drugs would still come into this country. As long as Americans spend billions on illegal drugs, somebody else is going to supply it.

In many ways Colombia fits into larger issues about our foreign assistance programs. I think it is time for us to re-examine the way foreign aid is being used. During the cold war, we would give foreign aid to countries simply because they claimed to be anti-Soviet Union. It didn't make any difference how it was used. After the Cold War, we starting giving money, while paying little attention to human rights violations by foreign militaries or security forces, to nations that would say that they would help fight drug trafficking. Today, I am worried that we are starting down a road where we give all sorts of assistance to governments that claim to be antiterrorist, irrespective of their commitment to democracy, human rights, or economic reform.

I have said over and over again that we should increase foreign assistance to many areas of the world. We have moral and strategic reasons for doing that. But we ought to at least stand for something when we provide this assistance. We can deliver a strong message that, while we don't expect an absolute replication of our form of government, we do expect you to respect human rights and other basic American values if you use our tax dollars.

There is no reason that countries cannot respect these values and use foreign aid effectively—these things go hand and hand. We have had some wonderful successes where we have done both. We have had some colossal disasters where we have not.

Madam President, I have known Colombia's President Pastrana for several years, and consider him a friend. He has worked diligently for peace, often at great personal risk, and while he ultimately was unable to obtain the peace agreement with the guerrillas that he so deeply wanted, his administration will be remembered for other achievements. Today, thanks to his efforts and those of Colombia's fine Ambassador, Luis Moreno, Colombia's relations with the United States, which had suffered under previous Colombian administrations, are strong and based on mutual respect.

I want to thank President Pastrana for his friendship, for the dignity that he restored to the presidency, for his

dedication to his people. Although we did not always agree about U.S. policy toward Colombia, President Pastrana always treated me with respect and warmth. I am grateful to him, and wish him the best in the future. While I regret that I was unable to travel to his country during his term of office, I am determined to do so and look forward to visiting him there when I do.

The issue of U.S. policy toward Colombia is the subject of considerable concern in Washington, both because of President Pastrana's recent visit, and because of President Bush's supplemental appropriations request, which proposes to shift the focus of our assistance program in Colombia from counter-narcotics to counter-terrorism.

I am of mixed minds about this proposal, and want to take a moment to discuss some of my concerns.

Before we rush to bring the war against international terrorism to Colombia's jungle as the Administration and some in Congress now urge, we would do well to understand that country's feudal history. We should also review what has been done with the nearly $2 billion we have appropriated for Colombia in the past two years.

''Plan Colombia,'' devised by the Clinton Administration and the Colombian Government to counter the flourishing trade in cocaine from Colombia to the United States, called for $7.5 billion. Colombia was to contribute $4 billion, and, were told at the time, the U.S. share was $1.6 billion. Donations by other countries, mostly the Europeans, have not materialized. The Colombian Government's support has also fallen far short. For fiscal year 2003, the Bush Administration seeks another $439 million in counter-drug aid, plus $98 million in military aid, for a total of $537 million.

So far, U.S. tax dollars have paid for a fleet of aircraft to spray chemical herbicide over large areas of the country planted in coca, combat helicopters to protect the planes from ground fire, and training and equipment for counter-drug battalions. More funds were provided for economic programs to give coca farmers alternative sources of income and to reform Colombia's dysfunctional justice system.

Because of the Colombian military's poor human rights record, Congress conditioned aid on the prosecution of military officers implicated in serious abuses, and on the severing of the military's links with illegal paramilitary groups. These groups, like the guerrillas, have been designated by the Administration as terrorist organizations.

By any objective measure, Plan Colombia's results have been, at best, disappointing.

First, the State Department predicted a 30 percent reduction in coca cultivation by the end of 2002. Although 84,250 hectares were sprayed last year, coca cultivation in Colombia actually rose, by at least 21,100 hectares. There has not been any reduction in the flow of illegal drugs into the U.S., and virtually no one in the Administration thinks there will be.

Second, while aerial spraying may at some point reduce the coca crop, there is vast territory ripe for future cultivation and a huge U.S. demand for drugs. Serious questions have been raised about the health and environmental impact of the spraying which need to be satisfactorily answered if this program is to continue. Manual eradication, as was done in Bolivia and Peru, should be reconsidered, and we should target the large growers, drug labs and traffickers. Moreover, any of these eradication efforts will ultimately fail without economic alternatives for those displaced by coca eradication.

Third, U.S.-funded economic programs have produced little in the way of viable alternatives. It is dangerous and difficult to implement these programs in conflict zones where coca is grown. The Colombian Government has not invested enough of its own money in these areas, and however much it has invested has produced few tangible results. Nor has it done enough to reform its sagging economy. This needs to be a partnership, and our support for alternative income programs should focus where the needs are greatest and programs can be sustained.

Fourth, senior military officers implicated in the murders of civilians, or who abet paramilitary violence and drug trafficking, have not been jailed despite the conditions on U.S. aid. Many remain on active duty and some have been promoted. Human rights investigators and prosecutors have been threatened, killed or forced to flee the country. While some soldiers have been suspended, none have been prosecuted and some have joined paramilitaries.

Under our law, the Secretary of State must certify that certain human rights conditions have been met prior to the release of military aid. Earlier this year, a number of high-ranking Administration officials traveled to Colombia, and informed Colombian military officers that more progress was needed. Unfortunately, as far as I am aware, no such progress has taken place and therefore, to his credit, the Secretary has not made the certification. However, I am told the certification could come at any time, and if that is true I hope that it is based on facts and reflects a good faith application of the law.

Fifth, top paramilitary leaders, implicated in hundreds of murders, travel around the country and give press interviews despite numerous warrants for their arrest. One has to ask why these arrest warrants, many of which have been pending for years, have not been executed? Local military commanders share airfields, intelligence and logistics, and in some instances even coordinate attacks. While some members of paramilitaries have been captured, their influence has grown throughout the country and they are responsible for a large share of targeted assassinations and gruesome attacks against unarmed civilians. Like the guerrillas, the paramilitaries are deeply involved in drug trafficking. Continued U.S. aid to the Colombian military must be tied to accountability for abuses and to aggressively fighting the paramilitaries, particularly the United Self-Defense Forces of Colombia (''AUC'').

Sixth, President Pastrana's brave efforts to negotiate peace, cynically spurned by the guerrillas, have collapsed. The violence has intensified and the guerrillas, especially the Revolutionary Armed Forces of Colombia (''FARC''), have sharply escalated kidnappings, assassinations and other terrorist acts. They are unlikely to be able to defeat the Colombian military, but they can lay siege to cities by cutting off water and power supplies. Colombia's generals are now asking the U.S. for aid to fight the war.

Americans need to understand that Colombia is really two ''countries,'' which is at the heart of its problems. The thinly populated, impoverished eastern half, which the government has ignored for generations, is mired in the 19th Century, while the sophisticated, urban west is edging toward the 21st. There are deeply rooted social, economic and political reasons why Latin America's oldest conflict is no closer to resolution, and why drug money, corruption and lawlessness permeate Colombian society. These problems, which ultimately only Colombians can solve, will not be fixed by attacking the symptoms, and an all out war against the twin terrorist threats—guerrillas and paramilitaries—would cost far more, take far longer, and wreak more havoc than anyone in Washington has acknowledged so far.

Until now we have confined our aid to fighting drugs. In the first sign of a shift, the Administration asked Congress for an additional $98 million to protect 100 miles of an oil pipeline that has been a frequent target of guerrilla attacks that have cost Colombia $500 million a year in oil revenues. The White House is now seeking broad, new counter-terrorism authority in the fiscal year 2002 supplemental, opening the door to a deeper, open-ended U.S. involvement in Colombia.

If we go down that road what would be the likely result? Colombia is not Afghanistan, and no one supports sending U.S. troops. But while no two countries are the same, we gave over $5 billion to the military of El Salvador, a country with 1/50th the land area of Colombia, and they could not defeat the guerrillas there. Are we, and the Colombian people who currently spend a meager 3 percent of GDP on the army, prepared for a wider war, the huge cost, many more displaced people, and the inevitable increase in civilian casualties? Is the only alternative to continue a limited, ineffective counter-drug strategy, and the growth in public support for the AUC which may ultimately pose a greater threat to the

country than the FARC? Can the military be made to see their oft-times allies, the AUC, as terrorists to be fought as aggressively as the FARC? Should we send an envoy of the caliber of Richard Holbrooke to push for a cease fire, and actively support a much more inclusive negotiating strategy than was pursued previously? What about attacking the security problems that have given rise to the AUC, by strengthening Colombia's National Police, who have a cleaner human rights record and who may be more effective in responding to kidnappings and other terrorist acts?

We want to help Colombia, particularly as the FARC has evolved from a rebel movement with a political ideology to a drug-financed terrorist syndicate. But we and the Colombians need to be clear about our goals and what it would take to achieve them. We should not commit ourselves to a costly policy that is fogged with ambiguity, and we should not subvert our other objectives of promoting the rule of law, protecting human rights, and supporting equitable economic development. Goal-setting should also be coordinated, after the elections in May, with Colombia's new president, who may favor an entirely different approach.

Finally, just as Colombians need to take far more responsibility for their own problems, Colombia cannot solve America's drug problem. Too often, we unfairly blame Colombia, and the other Andean nations, for the epidemic of drug addiction in our own country. Our meager attempts to reduce demand for drugs have failed, and unless we devote far more effort to what we know works—education and treatment—the drugs will keep coming and Americans will keep dying.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. SPECTER. Madam President, I thank the Chair and I thank my colleague from Vermont for awaiting my arrival. We have just been at a news conference on the introduction of legislation on nuclear transplants. There were many questions beyond what we had anticipated. I did want to have an opportunity to appear briefly in support of these two nominees who are from my state.

NOMINATION OF CYNTHIA M. RUFE

The nomination of Judge Cynthia Rufe comes to this floor after having been approved unanimously by the Judiciary Committee. She has an excellent educational background: A bachelor's degree from Adelphi University, a J.D. from the State University of New York. She has extensive experience in the private practice of law. She was in the public defender's office for some 5 years. She has been solicitor in her home county, Bucks County, PA, and has been a judge on the State Court of Common Pleas from 1994 to the present. She presides over the Criminal Court, Juvenile Court and Protection From Abuse cases.

Prior to her election to the position of judge in 1993, she maintained law offices in Newtown, Pennsylvania practicing civil and criminal litigation, family law and specializing in child abuse cases.

Before entering private practice in 1982, Judge Rufe served Bucks County as Deputy Public Defender, coordinating that office's Juvenile Division.

She also served as Solicitor for the Bucks County Children and Youth Social Services Agency for four years.

The Pennsylvania Supreme Court has appointed Judge Rufe to sit on the Appelate Procedural Rules Committee. She also serves the Pennsylvania Conference of State Trial Judges on their Judicial Education, Juvenile Court and Corrections Committees.

In addition, she served on a Federal task force to improve the quality of mental health treatment and services for female inmates in the Bucks County jail system.

Judge Rufe has been an active member of several community agencies related to the improvement of youth, families, and drug and alcohol issues, including serving as a member of the Board of Directors of Youth Services, Inc.; Organization to Prevent Teenage Suicide, Inc.; Reaching-at-Problems, Inc. Group Home; and Prevention and Rehabilitation for Youth and Development, Inc.

Judge Rufe has received countless awards from various women law organizations in the Commonwealth of Pennsylvania.

NOMINATION OF MICHAEL M. BAYLSON

Michael Baylson is a man I have known since 1965. He was one of the first people I appointed as an assistant district attorney when I was elected in 1965. I have known him intimately for the course of the past 37 years. I can attest to his capability.

He is a graduate of the University of Pennsylvania, with both a Bachelor of Science and a law degree. Beyond serving as an assistant district attorney in my office, where he was chief of the homicide division, and he handled some of the most complicated criminal prosecutions known, he later served as a U.S. attorney from 1988 to 1993. He has been a senior partner in the distinguished Philadelphia law firm of Duane, Morris & Heckscher, working on some very tough litigation matters in the areas of commercial and securities litigation and antitrust law.

Mr. Baylson served as United States Attorney for the Eastern District of Pennsylvania from 1988 to 1993. He was heavily involved in the Weed and Seed Program.

From 1966 to 1969, he was an assistant district attorney in the Philadelphia District Attorney's Office, where he served as chief of the Narcotics and Homicide Divisions.

He is the chair of the Specialization Committee and past chair of the State Action Exemption and Noerr Doctrine Committee of the Antitrust Law Section of the American Bar Association, and is a fellow of the American Bar Foundation.

He has also been on the faculty of the University of Pennsylvania Law School.

He received the United States Department of Treasury's U.S. Attorneys award for Distinction in Financial Management, 1993; Attorney General's Special Commendation Award, 1993; Inspector General's Prospective Leadership Award, U.S. Health and Human Services, 1992; and the Distinguished Service to Law Enforcement Award from the County and State Detectives Association of Pennsylvania, 1992.

Baylson has provided pro bono services to prisoners asserting civil rights violations and has represented defendants accused of crimes on a pro bono basis.

Madam President, while my colleague from Vermont is still in the Chamber, I want to make a comment or two about some discussions he and I have had, and which I have had with other members of the Judiciary Committee. It is my hope that we will be able to agree on a protocol of where we can come to an agreement in the Judiciary Committee, and really in the full Senate, as to how we handle judicial nominations.

We have seen recurrent problems when we have a Republican President and a Senate controlled by the Democrats. When the shoe was on the other foot, we had a President who was a Democrat and the Senate was controlled by Republicans. Before that, we had a Republican President and the Senate was controlled by Democrats.

So that in my Senate tenure we have had three situations where the White House and the Senate were controlled by different parties.

When there is debate about what has happened and how long the nominations have taken, although I have been here and followed the situation closely, I get lost in the statistics. I think the American people do too.

I do believe there have been failures on both sides, by both parties. I think the time has come to move beyond recrimination and to try to establish a protocol. Hopefully this protocol will provide for a certain number of days after a nomination has been submitted to be accorded a hearing, so many days later for a markup in an executive session, so many days later to be considered by the full Senate. Delays could occur at the discretion of the chairman of the committee, after consultation with the ranking member—not the concurrence of the ranking member but the consultation—similarly with the

majority leader, with consultation with the minority leader.

I wanted to make those comments because one might say it is hard for the issue to disintegrate further, but I do see it disintegrating further. On May 9, we are going to have a one year anniversary of the submission of eight circuit judges, and I hope we do not have dueling press conferences. I hope we are able to work this out where we will have rules and a protocol established, regardless of who controls what.

Again, I thank the Chair for sitting overtime and I thank my colleague from Vermont for staying overtime.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I am always happy for the cooperation of the Senator from Pennsylvania, and I do compliment him on the two judges who will be confirmed today, recommended by him, and his efforts to get a consensus for them. I am well aware we can have dueling press conferences.

I have mentioned a number of courts of appeals judges were heard out of order at the request of Republican Senators, and I am sure if some of those same Senators were then to speak of the fact that some of the judges, their own nominees especially, were heard ahead of others, that they would see delicious irony in that.

I know we are supposed to recess. I yield the floor.

NOMINATION OF MICHAEL BAYLSON

Mr. HATCH. Madam President, I rise in support of the confirmation of Mr. Michael Baylson to the District Court of Eastern Pennsylvania. Mr. Baylson is another fine example of the qualified attorneys President Bush has named to the federal bench, and I am convinced based on his record that he will make an outstanding addition to an already prestigious court.

Mr. Baylson earned his undergraduate degree from the University of Pennsylvania's Wharton School. He then graduated from the University's Law School. After working as a volunteer for the public defender in Philadelphia, he joined the Philadelphia District Attorney's Office. My colleagues will remember that my friend the distinguished senior Senator from Pennsylvania, Senator SPECTER, was the Philadelphia District Attorney at this time. Mr. Baylson was quickly promoted to supervise that office's Narcotics Unit and then it Homicide Unit.

Mr. Baylson worked in private practice at the law firm of Duane Morris and Heckscher. Then, in 1988, he returned to public service as the United States Attorney for the Eastern District of Pennsylvania. There, he became well-known for his aggressive drug prosecutions. Mr. Baylson also was a pioneer in developing the Violent Traffickers Project, a program that uses a different strategy than the traditional tactic of arresting smaller dealers and then ''flipping'' them in order to convict the leaders of a drug conspiracy.

After leaving the U.S. Attorney's Office, Mr. Baylson returned to Duane Morris and Heckscher as a partner and has specialized in antitrust, federal securities, RICO and white collar crime matters.

Clearly, Mr. Baylson is a very talented attorney with a great deal of experience. I have no doubt that he is an excellent choice to be a judge on the District Court of Eastern Pennsylvania.

NOMINATION OF JUDGE CYNTHIA M. RUFE

Madam President, I rise in support of the confirmation of Judge Cynthia Rufe to the U.S. District Court for the Eastern District of Pennsylvania. Judge Rufe's nomination is yet another example of President Bush's effort to enhance our excellent and diverse federal judiciary. Judge Rufe has had a distinguished legal career. She is an outstanding Pennsylvania state judge who will only add to the distinguished federal court in the Eastern District of Pennsylvania.

Judge Rufe graduated with a B.A. in Political Science and Education from Adelphi University in 1970. After receiving her teacher's certificate from Bloomsburg University in 1972 and teaching high school social studies, Judge Rufe graduated from SUNY–Buffalo Law School in 1977.

After law school, and mindful of each attorney's responsibility to ''serve the disadvantaged,'' she joined the Bucks County Public Defenders Office. In this role, her case-load ran the gamut from misdemeanors to homicides. At the Public Defender's Office, Judge Rufe developed an expertise in representing abused and neglected children.

As a result of that expertise, she created and led the Public Defender's Juvenile Division. Later, Judge Rufe rose to the level of Deputy Public Defender. In this position, she was responsible for managing the office's trial caseload.

In 1982, she left the Defender's Office to begin a private practice. Judge Rufe concentrated on litigation, especially criminal and juvenile law. Over the years, the Judge Rufe's practice expanded to include cases on employment, discrimination, personal injury, defamation, contracts, adoptions, estates and family law.

But, during this period, she never forgot about her community, and she served as Solicitor of the Bucks County Children and Youth Social Services Agency.

In 1994, Judge Rufe re-entered public life when she was elected to the Bucks County Court of Common Pleas. For the last eight years, she has developed a well-earned reputation for hard work and fairness.

It is a pleasure and a privilege to support Judge Rufe's nomination to the federal bench.

JUDICIAL CONFIRMATIONS

Madam President, I would like to respond briefly to some comments made earlier today on the topic of judicial confirmations. I had no intention of bringing up this topic today, but now I find myself with no choice but to set the record straight. I want to make one observation and then two simple points.

Madam President, my observation is this: The American people want this Senate to help—rather than hinder—President Bush. And that is true of every President. Everyone understands that we are living at a time of great national importance. Our government is being put to a test. President Bush is performing extraordinarily well, and he is leading our country and our military in the right direction to achieve prosperity and security for all Americans. The American people support President Bush and his administration, and they correctly believe that the Senate should do the same.

But the people who follow the Judiciary Committee's record on reviewing and approving President Bush's judicial nominations are frustrated—for good reason—with the way in which this body has treated President Bush. They know that President Bush gave great care and attention to finding nominees who are extremely well-qualified, highly talented legal thinkers who hold mainstream American values. There is not an ideologue among them. To the contrary, President Bush's picks for the judiciary are all principled and fair people, from a variety of backgrounds and experiences, who are committed to following precedent, applying the law as it exists, and standing firm against judicial activism. President Bush should not be forced to divert any more of his time and attention away from the war on terrorism and his many domestic priorities in order to persuade this body to do what is right for the American people.

Now, Mr. President, I would like to make two points that directly respond to the comments made earlier today.

Madam President, the current Senate leadership is not doing a better job this Congress than the Senate has done under other Presidents. I listened as my colleague explained that, if looked at through the right looking glass, or examined in the right subsection of the right time period of the right session of the right Congress, then the current numbers are pretty impressive.

The most important measure of performance should be how we are handling the most important courts: the Circuit Court of Appeals. Let's compare the treatment of President Bush's first 11 circuit court nominees to the first 11 of previous presidents. President Reagan, the first President Bush and President Clinton all enjoyed a 100 percent confirmation rate on their first 11 circuit court nominees, and all were confirmed well within a year. President Reagan's first 11 were confirmed in an average of 39 days, the first President Bush's first 11 averaged 88 days, and President Clinton's first 11—only 115 days. The longest any of these individuals were held up in committee was 202 days. In stark contrast to previous

Presidents, 8 of President Bush's first 11 nominations—made on May 9, 2001, almost a year ago—are still pending in committee without so much as a hearing! That's nearly 365 days, and only 3 of the President's first 11 nominees are confirmed. Is this what the Democratic leadership considers a record-breaking pace? It may be record-breaking, all right, but not the record they're talking about. They are confirming with the velocity of molasses.

Now I heard my colleague suggest that some of the first 11 nominees may have been superseded out of courtesy to Republican Senators who requested some later-nominated judges to move first. Well, I know how difficult it is to chair the committee, and such requests do come in. But I would suggest to my friend that he do what I did for President Clinton: consider more than one circuit nominee per hearing. That's what we did, under Republican leadership, no fewer than 10 times. Why not two at a time?

Of course, the pace of confirming a President's first 11 nominees is not the only measure by which the current leadership is falling short. My colleague suggested that kudos should be awarded for bringing the circuit court vacancy rate down to 29. Well, it was never that high at the end of any Congress when Republicans controlled the Senate. And I certainly don't recall that, during my chairmanship, any of our circuit courts were facing the kind of crisis that is going on today in the 6th Circuit Court of Appeals, where the court is operating at half-staff despite the fact that president Bush has nominated seven highly qualified people to serve on that court.

The fact is that, at the close of the 106th Congress, when I was chairman of the Judiciary Committee, there were only 67 vacancies in the federal judiciary. In the space of one Democratic-controlled congressional session last year, that number shot up to nearly 100, where it remains today. Under Republican leadership, the Senate confirmed essentially the same number of judges for President Clinton—377—as it did for President Reagan—382—which proves bipartisan fairness—especially when you consider that President Reagan had six years of his party controlling the Senate, and President Clinton had only two.

So how did we go from 67 vacancies at the end of the Clinton administration to nearly 100 today? There can be only one answer: The current pace of hearings and confirmations is simply not keeping up with the increase in vacancies. We are moving so slowly that we are barely keeping up with natural attrition. President Bush nominated 66 highly qualified individuals to fill judicial vacancies last year. But in the first 4 months of Democratic control of the Senate last year, only 6 Federal judges were confirmed. At several hearings, the Judiciary Committee considered only one or two judges at a time. The committee voted on only 6 of 29 circuit court nominees in 2001, a rate of 21 percent, leaving 23 of them without any action at all.

This leads to my second point, which is that the current situation has nothing whatsoever to do with ideology. I was surprised to hear my friend, the chairman of the Judiciary Committee, address earlier today the question of introducing ideology into the judicial confirmation process. Some of my Democrat colleagues have made no bones about the fact that this is exactly what they are seeking to do. In July, they have even held hearings expressly on how to justify it. We saw what happened to Judge Charles Pickering.

What is now occurring is far beyond the mere tug-of-war politics that unfortunately surrounds Senate judicial confirmation since Robert Bork. Some of my colleagues are out to effect a fundamental change in our constitutional system, as they were instructed to do by noted liberal law professors at a retreat early last year. Rather than seeking to determine the judiciousness of a nominee and whether a nominee will be able to rule on the law or the Constitution without personal bias, they want to guarantee that our judges all think in the same way, a way that is much further to the left of mainstream than most of President Bush's nominees.

In the judiciary that some would create, citizens will have to worry about the personal politics of the judge to whom they come for justice under the law. I strongly object to that result.

The legitimacy of our courts, and especially the Supreme Court, comes from much more than black robes and a high bench. It comes from the people's belief that judges and justices will apply a judicial philosophy without regard to personal politics or bias.

In conclusion, Madam President, it is time for this Senate to examine the real situation in the Judiciary Committee, rather than listen to more inventive ways of spinning it. We have lots of work to do. There are 90 vacancies in the federal judiciary—a vacancy rate of more than 10.5 percent—and we have 50 nominees pending, including 4 nominees for the Court of Federal Claims. Nineteen of the pending nominees are for circuit court positions, yet the Senate has confirmed only nine circuit judges this Congress. This is despite a crisis of 29 vacancies pending in the circuit courts nationwide—virtually the same number of vacancies pending when the Democrats took control of the Senate in June of last year.

Madam President, the American people are disappointed in this process. They want the Senate to help—not hinder—President Bush. I urge my friends across the aisle to focus on this situation, to step up the pace of hearings and votes, and to do what's right for the country.

Thank you, Madam President. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having passed, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:43 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

EXECUTIVE SESSION—Continued

NOMINATION OF MICHAEL M. BAYLSON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report the first nomination.

The assistant legislative clerk read the nomination of Michael M. Baylson, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael M. Baylson, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 98 Ex.]

YEAS—98

Akaka	Crapo	Johnson
Allard	Daschle	Kennedy
Allen	Dayton	Kerry
Baucus	DeWine	Kohl
Bayh	Domenici	Kyl
Bennett	Dorgan	Landrieu
Biden	Durbin	Leahy
Bingaman	Edwards	Levin
Bond	Ensign	Lieberman
Boxer	Enzi	Lincoln
Breaux	Feingold	Lott
Brownback	Feinstein	Lugar
Bunning	Fitzgerald	McCain
Burns	Frist	McConnell
Byrd	Graham	Mikulski
Campbell	Gramm	Miller
Cantwell	Grassley	Murkowski
Carnahan	Gregg	Murray
Carper	Hagel	Nelson (FL)
Chafee	Harkin	Nelson (NE)
Cleland	Hatch	Nickles
Clinton	Hollings	Reed
Cochran	Hutchinson	Reid
Collins	Hutchison	Roberts
Conrad	Inhofe	Rockefeller
Corzine	Inouye	Santorum
Craig	Jeffords	Sarbanes

Schumer	Specter	Torricelli
Sessions	Stabenow	Voinovich
Shelby	Stevens	Warner
Smith (NH)	Thomas	Wellstone
Smith (OR)	Thompson	Wyden
Snowe	Thurmond	

NOT VOTING—2

Dodd Helms

The nomination was confirmed.

NOMINATION OF CYNTHIA M. RUFE, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report the next nomination.

The assistant legislative clerk read the nomination of Cynthia M. Rufe, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. The question is, Shall the Senate advise and consent to the nomination of Cynthia M. Rufe, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 99 Ex.]

YEAS—98

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Hollings	Schumer
Cantwell	Hutchinson	Sessions
Carnahan	Hutchison	Shelby
Carper	Inhofe	Smith (NH)
Chafee	Inouye	Smith (OR)
Cleland	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Thomas
Corzine	Kyl	Thompson
Craig	Landrieu	Thurmond
Crapo	Leahy	Torricelli
Daschle	Levin	Voinovich
Dayton	Lieberman	Warner
DeWine	Lincoln	Wellstone
Domenici	Lott	Wyden
Dorgan	Lugar	

NOT VOTING—2

Dodd Helms

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider the votes are laid on the table, and the President will be notified of these actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ANDEAN TRADE PREFERENCE ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to talk about the trade promotion authority legislation that is before the Senate.

America has the most productive, creative workforce in the world. Our industries are diverse. Our products are second to none. Now we must expand our reach to bring more of these goods and services to the global marketplace by passing trade promotion authority legislation.

Trade promotion authority had been used since President Ford's administration to implement trade agreements until it lapsed in 1994. The President has not had this trade promotion authority since 1994. If America is going to increase trade opportunities around the world, Congress needs to pass this legislation so the President has the ability to negotiate trade agreements with the knowledge that, while Congress retains its right to approve or reject a treaty, it will not try to amend or delay it.

Without this legislation, foreign governments may not be willing to sit at the negotiation table with the United States, knowing that they may put all of this time into a negotiation that would then be delayed or changed by Congress.

Ninety-six percent of the world's consumers live outside of the United States, representing a vast potential market for American exports. Unfortunately, other countries are moving forward in promoting trade while we are standing on the sidelines. While we delay, other countries are entering into agreements that exclude us. Our competitors in Europe, Asia, and Latin America have sealed more than 130 free trade compacts. Yet we are party to only three—Jordan, Israel, and NAFTA with Mexico and Canada. Again, there are 130 free trade agreements in the world and the United States is a party to only 3 of those.

A lack of free trade agreements puts American exporters at a significant disadvantage. For example, a $180,000 tractor made in America and shipped to Chile incurs about $15,000 in tariffs and duties upon arrival. That same tractor would face only $3,700 in tariffs if it were made in Brazil, and there would be none if it were made in Canada.

American businesses, farmers, and ranchers are the best, but they should not have to compete with this kind of disparity. Our inability to negotiate agreements with foreign countries is hurting U.S. industry and limiting economic growth. The TPA offers the United States a chance to reclaim momentum in the global economy by adding foreign markets and expanding our opportunity for American producers and workers.

For 60 years, Presidents and members of both parties in Congress have worked together to open markets around the world. Now, as we launch the next round of global trade negotiations, close cooperation is critical. In Texas, we have experienced the benefits of free trade as a result of NAFTA. Since the agreement was implemented in January 1994, Texas exports have grown much faster than the overall U.S. exports of goods. Texas merchandise exports in 2000 went to more than 200 foreign markets, totaling $69 billion—an increase of more than 22 percent since 1997.

On the agricultural front, Texas ranks third among the 50 States in exports, with an estimated $3.3 billion in sales in foreign markets in 2000. We are leading exporters of beef, poultry, feed grain, and wheat. NAFTA has helped us secure the No. 1 cotton exporting State status. Since the agreement took effect, we have increased cotton exports to Mexico from 558,000 bales to 1.5 million bales in 2000.

Some people fear that trade will hurt the United States because they believe we will end up lowering barriers more than our trading partners. This is a legitimate question, but the fact is that the United States is already generally very low in barriers compared to our trading partners. For example, the average U.S. tariff on machinery imports is 1.2 percent, while foreign tariffs on U.S.-made machinery in countries such as Indonesia, India, Argentina, and Brazil are 30 times higher. By negotiating trade agreements, such as Free Trade Area of the Americas, the benefits we will receive by lowering those high barriers to our goods and services far outweigh the effect of lowering our very small tariffs.

Another fear is the extent to which lowering barriers to the U.S. market will cause job losses as companies move manufacturing overseas. This could happen, but we do have superior quality and work ethic—that is undeniable. Beyond that, however, we must consider the extent to which we are already losing jobs to overseas plants because of the high barriers to our goods.

Some countries try to attract manufacturing jobs by raising barriers to imports. This forces companies that would otherwise have production facilities in the United States and then export their products to build plants in

these foreign countries so they get around the tariffs. For example, Mars, Inc., the candy and pet food manufacturer, has their largest production facility in Waco, TX. They and other U.S. confectionary makers face an average of 25 percent in tariffs on confectionary candy exports and candy products to the European Union, and they have a 55-percent tariff on these goods to India. But the United States has virtually no tariffs on confectionary products. The employees of domestic candy makers would be much more secure if the President were able to negotiate a trade agreement that lowered these barriers overseas so they were not penalized for having U.S.-based manufacturing.

In addition to trade promotion authority, we will be debating related trade bills over the next few weeks. The Andean Trade Preference Act, which is the base bill we are debating today, seeks to help our counternarcotics efforts by providing people of the Andean region—South America—with economic opportunity other than drug trade. This bill can help U.S. develop overseas markets. If the beneficiary countries are able to use their exports to the United States to develop a healthier economy, it will create market opportunities for U.S. exporters.

The Andean Trade Preference Act has been successful in this respect. Since it went into effect in 1991, the four Andean countries have experienced $3 billion in new output and $1.7 billion in new exports. This has led to the creation of 140,000 legitimate jobs in this region, providing employment alternatives to people who might otherwise get involved in the drug trade.

Similarly, by extending the General System of Preferences, which provides duty-free status to certain items from developing countries, we can help to develop healthier economies that will inevitably demand U.S. products.

The other bill we are addressing during this debate is Trade Adjustment Assistance. This is a good program that would help those who lose their jobs because of trade. But we must also make sure this is not a program that is going to be so expensive and a program that discriminates among certain unemployed workers versus other unemployed workers versus employed workers. I think we might be taking a big chance with that part of the bill—not being as fully vetted and researched as the two parts that are trade promotion and Andean preference. These are two trade promotion acts that will have direct benefits to the workers and the people of America. It will also help the consumers of America get the lowest prices for goods that are imported without those artificial barriers.

So in this time of increased tension in many parts of the world, American leadership on trade is more important than ever. Giving President Bush a strong hand to negotiate, helping other countries to use the benefits of trade to develop legitimate businesses and economic growth are what we are addressing in the Senate with this trade package. Passing this legislation will ensure the continued growth of our economy and make sure that we are exporting our greatest ideals to the world—freedom, free enterprise, and democracy.

We must give the President this trade promotion authority so we will not be left behind. If America is only a party to 3 trade agreements out of 130, you know that other relationships are forming that keep America out.

We made a very good start with NAFTA. We have seen the benefits of NAFTA, that free trade agreement. Now we must extend NAFTA to South America with the Andean nations with which we have had trade relations. We need to come back and put in place trade with those countries without those barriers that have been put forward in the last year. We need to have good relations all over the world.

I think it is clear, from what is happening in the world and the lack of understanding in many parts of the world what freedom and free enterprise are, that we should be the leaders in opening free trade markets under an agreement that provides a level playing field for our workers and the workers of a foreign country. We should be the leaders, not the followers; not the people who are being dragged kicking and screaming into the new century.

We need free and fair trade. We can only get it by negotiating trade agreements and making sure there is a level playing field. If we have no agreements, we can have small barriers, they can have big barriers, and that is not a level playing field. We want a level playing field. Trade promotion authority and the Andean Preference Act will give us that.

I yield the floor.

The PRESIDING OFFICER [Mr. CARPER]. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that before speaking on the fast track bill, I be allowed to speak on the Middle East, and I will take about 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. For colleagues who are watching, because I know there are a lot of people who want to speak, I probably will not take a full hour on my statement on fast track. I will try to proceed expeditiously, but first of all I do want to speak on the Middle East because I do not think we can ignore what is happening in the world. It has such a critical and crucial impact on our lives and our children's lives and our grandchildren's lives.

SEARCH FOR MIDDLE EAST PEACE

Mr. President, like many of my colleagues, I had enormous hopes for a permanent peace between Israel and the Palestinians before the collapse of the Oslo-Camp David peace process two years ago. Yet recently, as we all know, the situation in the Middle East has deteriorated dramatically, and what we have witnessed there is heartbreaking.

As I speak today, Palestinian gunmen remain holed up in the Church of Nativity, Israeli tanks are present in the West Bank, and Israeli and Palestinian civilians, seized by anxiety, fear stepping into the street in order to go about their daily lives. Across the region and in this country too, people are grieving for innocent Israelis and Palestinians who have lost their lives.

While there are new reports of clashes in Hebron, there is some positive news this morning. The month-long standoff at the Ramallah compound may be ending as U.S. and British security experts are expected to arrive today in the region to implement a U.S.-brokered plan. There are also signs of progress in Bethlehem, where there are news reports that many civilians not wanted by Israel will leave the church today.

Even in this time of terrible violence, however, we cannot lose hope, for the sake of Israelis and Palestinians everywhere who yearn for peace—and especially for their children, and the generations to follow. For them, we must continue to seek a pathway to peace.

To that end, Secretary Powell's mission to the region earlier this month was an important step. While a cease-fire was not achieved, the situation is less dangerous now than it might have been, without active U.S. engagement and Powell's vigorous diplomatic efforts. Events were spinning out of control earlier, especially on the border of Lebanon. But, the tense border situation seems to have cooled a bit, even if momentarily, due at least in part to Secretary Powell's work with the Syrians.

The real test, however, is whether the administration will stay engaged. It has finally left the side-lines and is onto the playing field of Middle East diplomacy, and it must stay in the game. Israeli officials say that conditions might worsen in the days to come, that Israel may witness a rash of suicide bombings as it pulls its forces back. If the administration, facing such an escalation of violence in the region, withdraws, as it has before, history will judge us harshly. If it continues to devote its time, energy and prestige to achieving the goals Mr. Bush laid out earlier this month, then the violence might be contained, and we may see progress. Engagement remains the only intelligent option for our country now.

We must pursue a courageous approach which seeks both to meet the critical need of the Israeli people to be free from terrorism and violence, and acknowledges the legitimate aspirations of the Palestinian people for their own state, a state which is economically and politically viable. Even in this horrific time, we must not lose sight of what should be our ultimate goal: Israel and a new Palestinian state living side-by-side, in peace, with secure borders.

For many, the last two years have shattered confidence in any peace process. It has raised questions in some people's minds about whether Palestinians and Israelis can ever really live and work together, supporting each other's aspirations for peace, prosperity and security.

We must do our best to work with the parties to restore calm, to end the bloodshed, and to get back to a political process that might address the underlying causes of this conflict.

I believe many of the elements of the path back to peace are known:

First, Palestinian leaders need to renew their severely damaged credibility as legitimate diplomatic partners by condemning terrorism and doing all in their power to combat it. Chairman Arafat has not consistently rejected or confronted terrorists; indeed if the evidence gather by the IDF is to be believed, he may have actually supported them. He cannot play both sides any longer, but must work to end terror and the sickening wave of suicide bombings Israel has suffered.

There must also be an end to the culture of violence and the culture of incitement in Arab media, in schools and elsewhere, which Arab and Palestinian leadership have allowed to go unchecked too long. Throughout the region, anti-Israel incitement is widespread and insidious: government-controlled press, television programs and school textbooks regularly demonize Israelis with vile language and images. Arab states must help put an end to this, as it badly damages all the parties and powerfully undermines the cause of the Palestinian people and their national aspirations.

President Bush and the international community have called on Israel to end its incursion into the West Bank, and Israel has begun a withdrawal, however partial and tentative. As President Bush stated, when Israel moves back, responsible Palestinian leaders and Israel's Arab neighbors must step forward, and demonstrate that they are working to establish peace: ''the choice and the burden will be theirs.'' To that end, the Palestinian leadership must commit to resuming security cooperation with Israel, and the United States and the international community must assist the Palestinians in reconstituting an effective security mechanism so they can do so.

Second, Israel must show a respect for and concern about the human rights and dignity of the Palestinian people who are now and will continue to be their neighbors. It is critically important to distinguish between the terrorists and ordinary, innocent Palestinians who are trying to provide for their families and live an otherwise normal existence. Palestinians must no longer be subjected to the daily, often humiliating reminders that they lack basic freedom and control over their lives.

Third, the United States and the international community must begin immediately the urgent task of rebuilding so that ordinary Palestinians can resume a normal existence. The Palestinian economy has been battered and the infrastructure of the Palestinian Authority badly damaged. Last week, the World Bank identified a $2 billion need, estimating that the direct physical destruction of the public infrastructure alone is $300 million, and that at least 75 percent of the Palestinian workforce is now idle. At the same time, Israel is facing major economic challenges, with a serious recession and currency dropping to a new low recently. The international community and Israel's Arab neighbors must contribute to serious rehabilitation and economic development efforts.

Consistent with the UN Security Council resolutions, the United Nations fact-finding team must be allowed to visit the territories to examine what actually happened in the Jenin Refugee Camp. As Secretary Powell has declared, this is in the best interests of all concerned, especially in the best interests of the Israelis, to end speculation and have a full, accurate, public accounting of what actually occurred there. As soon as details on the composition of the team is resolved and the scope of its mission agreed upon, it must be allowed access to conduct its work.

Fourth, I believe there is no military solution to this conflict. The only path to a just and durable resolution is through negotiation. And there will be no lasting peace or regional stability without a strong and secure Israel, which is why the United States must maintain its commitment to preserving Israel's strength, and providing Israel substantial assistance.

I believe the United State must now push forward with specific and concrete ideas for rebuilding the shattered trust between the parties, bringing an end to the violence, and offering a new path back to the road of peace. The points of departure for such a plan are already in place—the UN Resolutions 242 and 338 and the earlier settlement negotiations conducted at Taba, Egypt in January 2001. The recent Arab League support of the Saudi proposal for normalization of relations between Israel and Arab nations is key. It acknowledges Israel's right to exist, and raises hope of a constructive Arab involvement in the search for peace. The United States should also consider supporting, with the consent of both parties, some kind of international observer force to enhance security for both sides. NATO might choose to take part in any such deployment, given Europe's continuing interest in containing the Middle East crisis. This could be followed, again with the agreement of all parties, with an international peace keeping force, if such a force could be helpful.

We cannot afford to dither. The administration should move decisively to convene a broad international conference loosely based on the Madrid conference of 1991, at which the exchange of land for peace became the basis for negotiation. The goals of the conference should be spelled out clearly: putting the breaks on the violence and speeding negotiations for a two-state solution.

Both sides will need to make painful choices if there is to be a just and stable peace. There must be a recognition of the tragic Palestinian refugee experience, and also an understanding that not all Palestinians refugees will be able to return to Israel. Many observers believe that the parties will eventually need to agree on a formula which would allow some refugees to return to Israel, and then provide for resettlement, and financial compensation for the remainder. And consistent with the Mitchell plan, Israeli settlement expansion in the occupied territories will have to be addressed and, as many observers have noted, some settlements may need to be dismantled. All of this should be negotiated by the parties themselves.

Despite the rage and raw feelings in the region now, most Israelis and most Palestinians crave a peaceful resolution to this conflict. This hunger for peace, and a sustained and vigorous engagement by the United States, are our best hope for achieving it.

ANDEAN TRADE

Mr. President, I debate this motion to proceed to fast track, the fast-track trade mechanism now known as the trade promotion authority. I oppose it on a lot of grounds.

First, I oppose the bill because of a principled opposition to the fast-track mechanism. I am not sure that for me this principle would in all cases be absolute and decisive, but I do lean against any fast-track mechanism for fundamental reasons. Second, I oppose the bill based on my judgement in advance of the unlikelihood of seeing negotiated trade agreements that I will be able to support on behalf of the people of Minnesota and of the nation. I base that judgement on the negative consequences of past trade agreements, the track-record of this administration so far, and on the text of the Trade Promotion Authority Act, which I believe is fundamentally flawed in its approach. Finally, I oppose moving to the fast-track bill because I believe it is irresponsible to discuss it before first addressing the urgent needs of workers in this nation.

Let me begin with my first reason for opposing the fast-track bill. I am inclined to oppose fast-track on general principles of democracy and representative accountability alone. Fast track procedures shorten necessary congressional debate and eliminate the option of amendments by elected and accountable representatives of the public. Under Article I, Section 8 of the Constitution, it is not the President but Congress that shall ''regulate commerce with foreign nations'' and I am not willing to shirk my responsibility to make fair trade policy by giving the President authority to determine trade

policies without meaningful checks from Congress.

It is worth observing at the outset that when we say we are considering trade agreements under fast track procedures, the measures we are talking about generally entail the substantial changing of domestic laws. We are talking about packages of legislative changes that are the implementing bills for what the President and his representatives have negotiated with trading partners. We are not only discussing tariff schedules, important as those can be. We are talking about the alteration of domestic law. It is difficult to imagine good enough reasons to surrender our rights as Senators to unlimited debate on amendment of those measures before we have even seen them.

This bill, HR 3005, which the motion to proceed could bring before us by the end of the week if it is successful, would lock in fast-track rules now for debates and votes we will have later. By later, I mean at whatever point we consider implementing legislation for several of the trade agreements which the Administration is now negotiating such as an agreement entered into under the auspices of the World Trade Organization, agreements with Chile and Singapore, and an agreement establishing a Free Trade of the Americas or which it might negotiate under this authority between now and 2005. That is the duration of the bill's provisions if it is enacted. In other words, we are deciding now whether to establish special and highly restrictive rules which will govern our debate and votes later on implementing bills for agreements whose contents we will not know until that time.

That is the meaning of fast-track legislation. I wonder how many Americans are aware that the Senate might be willing to give away that much authority in the making of trade policy. If we pass this fast-track legislation, whatever agreement is negotiated and the changes in U.S. law that would be required in order for the United States to comply with it, will be considered automatically here in the Senate once that agreement is reached. This will take place on an expedited schedule, with no amendments, and with a limited number of hours of debate. Just one up-or-down vote on a giant bill changing numerous U.S. laws, with no amendments and limited debate. I am sorry to say that based on my experience, many of us in this body will probably be only partially aware of what is actually contained in such implementing bills. But in any case, even if we know every provision, we will not have the opportunity to change a single one.

During my time here in the U.S. Senate, I have consistently opposed the granting of fast-track authority for trade agreements. I opposed it for NAFTA. I opposed it for creation of the WTO. I have yet to be convinced of the need for any fast-track authority to achieve beneficial trade agreements. The record of the previous Administration appears to reinforce this conviction. During the 1990s we entered into nearly 200 international commercial agreements without fast-track, including the Caribbean Basin Initiative and agreements with sub-Saharan Africa, Jordan and Vietnam. I should repeat that nearly 200 trade agreements, and only two of those utilized fast track procedures. Last November, U.S. Trade Representative Robert Zoellick said that fast-track was a tool the administration could not live without. He said: ''If I'm pressing my counterpart to go to his or bottom line, he or she is going to balk if they feel that Congress has the ability to re-open the deal. My counterparts fear negotiating once with the administration and then a second time with Congress.''

Mr. President, if the previous Administration could so readily reach trade agreements without the benefit of fast-track, then I question the need to impose such procedures, which are inherently undemocratic. I also question what Mr. Zoellick is getting at. I would hope he understands that our system of government has three branches. That our system is based on checks and balances. And I would hope that in the nations with which we are negotiating trade agreements, that we are also promoting an agenda committed to democratic principles. Because when we talk about the fast-track mechanism, that is not the case. They shorten necessary debate. They eliminate the chance for amendment by elected and accountable representatives. They exclude meaningful participation in the legislative process by numerous groups which normally have at least some access to it.

For example, free trade is supposed to be good for the consumers. But how often do representatives of consumer organizations help to decide our negotiating goals? How many consumers are on the panels which advise negotiators? Corporations in various sectors help decide what our goals are, which is appropriate. But why not consumers? Consumers might argue that open trade is good; it can help bring higher quality goods and services at lower prices. But consumers might also point out that there need to be rules in an open trading system enforceable rules against downward harmonization of environmental and food-safety standards, enforceable rules against child labor, enforceable rules against the systematic violation of labor and human rights. These are not enforceable objectives of negotiators under this fast track bill. In fact, as negotiating objectives, they need not even be achieved for a trade agreement to come before the Senate and receive fast-track consideration. But they probably would be enforceable if we had a more democratic process for negotiating and considering trade agreements. And if the objectives were not achieved in the agreements, consumer advocates could find a member of the Senate willing to offer an amendment to change the proposal. But not under fast track.

I favor open trade. Open trade can contribute significantly to the expansion of wealth an opportunity. It can encourage innovation and improve productivity. It can deliver high quality goods and services to many consumers at better prices. Negotiated properly, trade agreements can help bring these benefits to all trading partners in fair way. However, I remain unconvinced of the need for a fast-track procedure in order for a president to achieve beneficial trade agreements.

Fast-track is not about politics. It is not be about providing the authority to a President whose trade policy we support, and not to one we do not. Fast track is about our responsibility as legislators to do our part to ensure fair trade in the global economy. Of course the White House should conduct trade negotiations. But there is no reason to give the White House autocratic power to do so. If a trade agreement cannot withstand the scrutiny of our democratic process, then it does not deserve to be enacted.

My second reason for opposing the motion to proceed to this bill is that I do not have confidence that the specific trade agreements that are likely to be negotiated with this fast-track authority would achieve an improvement in the standard of living and quality of life for a majority of Americans. Nor do I believe that such trade agreements would be likely to improve the lives of the majority of the populations of other countries, the countries with whom we trade. Therefore, I do not believe I am likely to support the agreements, or their implementing legislation. Why would I give up my right in advance to amend bills which I do not think I will be able to support?

We have had excellent debates over the nation's trade policy in recent years. We had a good debate over the North American Free Trade Agreement, the Uruguay Round of the General Agreement on Tariffs and Trade, which ultimately led to the creation of the WTO, over permanent normal trade relations with China, and more recently over trade and trade remedies regarding the steel industry. I would like to take a second to talk in particular about NAFTA and the WTO implementing legislation. I voted against the implementing legislation for those agreements because I believed those bills did not take this country in the right direction in trade policy. The results of those agreements have largely reinforced my view. I continue to regret that I did not have more opportunity to change those major pieces of legislation. I believe they have done us great harm.

I did not oppose NAFTA and the WTO because I am a protectionist. I am not. I don't have the slightest interest in building walls at our borders to keep out goods and services. Nor do I fear fair competition from workers and companies operating in other countries. I am not afraid of our neighbors.

I don't fear other countries, nor their peoples. I am in favor of open trade, and I believe the President should negotiate trade agreements which lead generally to more open markets, here and abroad.

Indeed, I am very aware of the benefits of trade for the economy of Minnesota. I am told about them constantly. We have an extremely international-minded community of corporations, small businesses, working people and farmers in our state, and we have done relatively well in the international economy in recent years. Minnesota has lost some jobs to trade, as have most states. But we also benefit from trade. We benefit from both exports and imports. Exports create jobs, as we all know. But imports are not necessarily a bad thing either. They provide needed competition for consumers, and they also push our domestic companies to become better, to be as productive and efficient as they can be. Open trade can contribute significantly to the expansion of wealth and opportunity, and it tends to reward innovation and productivity. It can deliver higher quality goods and services at better prices. Negotiated properly, trade agreements can help bring all these benefits to all trading partners in a fair way.

My position is merely that Congress should exercise its proper role in regulating trade, which is what trade agreements do, so that the rules of international trade reflect American values. That is how American can lead in the world. It is how America should lead in the world.

What are American values when it comes to trade? We believe in generally open markets at home and abroad. But we also believe there is a legitimate governmental role in the protection and maintenance of certain fundamental standards when it comes to labor rights. There are certain fundamental standards when it comes to the environment. Standards when it comes to food safety and other consumer protections. Fundamental standards when it comes to democracy.

The question is how to pursue these values when we are negotiating trade agreements. The Bush administration believes that commercial property rights are primary in trade agreements, and should be enforceable with trade sanctions, and that environmental and labor rights are secondary. A majority of the Senate appears to agree. I do not. I don't believe most Americans agree with the President and the majority of the Senate on this question. I believe, and I believe that most Americans believe, that fundamental standard of living and quality-of-life issues are exactly what trade policy should be about. That is why strong and enforceable labor rights, environmental, consumer, and human rights protections must be included in all trade agreements, and as principle objectives in all trade negotiations. If trade agreements do not help to uphold democracy and respect for human rights, then they are deficient. That is my position. These should be the pillars of American leadership in the world.

At the same time we are told that America must lead on the issue of trade, we are also told that if we do not negotiate trade agreements, even ones which do not live up to our principles, then other countries will do so with each other in our absence. We will be left out. What a contradiction. We must lead, but we must do so by weakening our values. By leaving protection of workers rights out of the agreements we negotiate. By surrendering our principled linkage of human rights concerns to trade policy. Are we saying that when it comes down to it, money is what basically matters? Is that how we should lead the world? Not in my view.

Our trade policy should seek to create fair trading arrangements which lift up standards and people in all nations. It should foster competition based on productivity, quality and rising living standards, not competition based on exploitation and a race to the bottom. Protection of basic labor rights, environmental, and health and safety standards are just as important, and just as valid, as any other commercial or economic objectives sought by U.S. negotiators in trade agreements. We need to be encouraging good corporate citizenship, not the flight of capital and decimation of good-paying U.S. jobs. We ought not be pitting workers in Bombay against workers in Baltimore, making them compete against one another to get a decent living. Giving them ultimatums to accept an unlivable wage, or else. It is our responsibility in trade agreements to make the global trading system fair and workable.

It is the role of national governments to establish rules within which companies and countries trade. That is what trade agreements do. They set strict rules. If a country does not enforce respect for patents, trade sanctions can be invoked. If a country allows violations of commercial rules, trade sanctions can be invoked. You can bet that U.S. companies get right in the face of our negotiators to make sure that the rules in these agreements which protect their interests are iron clad and will be strictly enforced. Of course it is one of the goals of trade agreements to advance the interests of U.S. employers. But we are elected to help ensure that those agreements allows trade to benefit the interests of a majority of Americans, not only those with significant commercial interests abroad. I would go further and say that we also even have an interest in advancing the interest of a majority of people in other countries. Development abroad means more demand for products and services that we produce.

I believe our trade policy can achieve those goals. I wish that we would more often pursue them fully and in a balanced way. Our current trade policy is deeply skewed towards large corporate interests. That view is based on our experience with recent trade agreements. And unfortunately, this bill does little to require our negotiators to do better with new ones.

The negative effects of NAFTA, which took effect in 1994, and the WTO, created in 1995, demonstrate the harm in failure to negotiate important safeguards in trade agreements. NAFTA's damaging results have been documented by a range of reliable observers. They include loss of jobs, suppression of wages, and attacks upon and weakening of environmental and health and safety laws. Fast-track promoters want this authority to make it easier to extend NAFTA throughout the hemisphere in a proposed Free Trade of the Americas agreement and to expand the WTO in a new round of multilateral negotiation. If we repeat our past failure to include adequate labor, environmental, and health and safety provisions in new agreements, we only condemn ourselves to seeing some of NAFTA and other trade arrangements worst consequences again.

What have some of those consequence been? Let me draw from a report issued by the respected Economic Policy Institute. The report was issued in April of last year and is titled: ''NAFTA at Seven: Its Impact on Workers in all Three Nations.'' E.P.I's study examined the effects of NAFTA seven years after it implementation and concluded that in the United States: ''NAFTA eliminated some 766,000 actual and potential U.S. jobs between 1994 and 2000 because of the rapid growth in the U.S. export deficit with Mexico and Canada.'' Minnesota, according to the report, lost about 13,200 jobs due to the NAFTA related trade deficit. The report went on to say that in the U.S. ''NAFTA has contributed to rising income inequality, suppressed real wages for production workers, weakened collective bargaining powers and ability to organize unions, and reduced fringe benefits.'' A second report released last October argues that when you look at the combined NAFTA and WTO trade-related job losses between 1994–2000, that number is over three million. According to the report, Minnesota lost nearly 50,000 jobs. E.P.I also estimates that 5 to 15 percent of the decline in real median wages can be explained by the increase in trade.

NAFTA also has not lived up to promises regarding the environment or domestic areas such as food safety. According to reports released by Public Citizen, since the implementation of NAFTA, U.S. food imports have skyrocketed, while U.S. inspections of imported food have declined significantly. Public Citizen notes that imports of Mexican crops documented by the U.S. government to be at high risk of pesticide contamination have dramatically increased under NAFTA, while inspection has decreased. It argues that U.S. border inspectors have simply

been overwhelmed by the large volume of food imports entering the country from Mexico. In a report from September titled: ''NAFTA Chapter 11 Investor-to-State Cases: Bankrupting Democracy,'' Public Citizen documents the frontal assault on American law by foreign investors using rights and privileges given to them in the NAFTA agreement. It states that ''since the agreements enactment, corporate investors in all three NAFTA countries have used these new rights to challenge as NAFTA violations a variety of national, state and local environmental and public health policies, domestic judicial decisions, a federal procurement law and even a government's provision of a parcel delivery services.''

Mr. President, our experience with NAFTA cannot be dismissed. It has contributed to a significant number of job losses and the suppression of real wages for production workers, who make up 70 percent of the workforce. Real wages have gone down in Mexico, too, despite the fact that some workers are performing high-skill, high-productivity labor. Our trade balance has dramatically worsened with respect to Mexico. And a number of U.S. firms not only have used the threat of relocating to Mexico to hold down wages, but some have even closed part of all of a plant in response to union organizing or bargaining. Violations of fundamental democratic principles, as well as of basic human and labor rights, continue to occur regularly in Mexico. And NAFTA's side agreement has not significantly improved Mexico's environment, or that of the U.S. Mexico border region.

NAFTA is a bad agreement. But I must also note briefly the tremendous weakness of this fast-track bill itself. The bill reported by the Finance Committee requires only that trading partners enforce existing labor and environmental laws. Nowhere in this bill does it state that parties must strive to ensure that their labor and environmental laws meet international standards. Nowhere in this bill do we demand that countries make progress in protecting the rights of workers and the environment. This is unacceptable. Have we learned nothing? Shouldn't we, at a minimum, require that countries try to do better?

The bill requires only that a country enforce its own laws as they stand today, and to add insult to injury, it has a loophole that allows countries to lower labor and environmental standards with impunity. It allows for strong enforcement of the provisions on intellectual property and other commercial rights, but then provides no adequate enforcement for violations of the labor and environmental provisions. In the real world, the effect of weak labor standards coupled with no enforcement mechanism means that while a U.S. company could easily bring a case against a country for not enforcing laws on copyright protection, that same country could fail to enforce minimum wage laws or even lower the minimum wage, and neither the U.S., nor a worker who is affected, could bring a case for violation of the trade agreement. I believe this provision shows exactly whose interests this bill is meant to benefit, and it's not the working man.

And unfortunately, the drafters have not learned from the mistakes of the NAFTA agreement when it comes to investor lawsuits. Just like under NAFTA, this bill does not forbid investor lawsuits that challenge domestic laws on the grounds of expropriation—expropriation that is not even limited to the long standing legal precedent that it must involve more than just a diminution in value or loss of profits. Today, as we debate the motion to proceed, a lawsuit is underway between a Canadian company and the U.S. government dealing with this very issue. Under NAFTA, the Canadian company Methanex has sued the U.S. government for $970 million in future profits due to California's banning of the chemical MTBE, which Methanex produces. Small leaks of MTBE from storage tanks, pipeline accidents, and car accidents were found to have contaminated 30 public drinking water systems in California. California banned the chemical on safety grounds and now we, the American people, are supposed to re-imburse the company that made the chemical for their lost profits? Absolutely not.

In 2000, another Canadian company, ADF Group Inc., filed a complaint using NAFTA's Chapter 11 on investment to challenge the federal requirement that U.S.-made steel be used in all federally funded highway projects. The case both challenges federal procurement policies and attacks a part of U.S. law that directly benefits American workers. Regardless of the outcome of this case, the fact that a private company could use NAFTA to challenge a popular domestic law that the U.S. has routinely tried to exempt from trade agreements, should trouble us all. The fast-track bill would do absolutely nothing to prevent more challenges to our Buy America Law in the future, and it would do nothing to guarantee that trade agreements will not be used to challenge laws we pass to protect our environment, public health and safety, and our workers.

Proponents of fast-track argue that these inadequate negotiating objectives will produce concrete gains in protecting workers' rights and the environment in future trade agreements, notably the FTAA, the WTO, and pending agreements with Chile and Singapore. But the Bush Administration has provided no basis for confidence that it is will willing to expend the necessary energy and political capital to actually move workers' rights and environmental provisions forward in any of these arenas. In fact, every word and action from the Bush Administration since it has been in office points to the contrary. It is simply untrustworthy when it comes to trade policy.

Section 131 of the Uruguay Round Agreements Act, as amended, directs the President to ''seek the establishment . . . in the WTO . . . of a working party to examine the relationship of internationally recognized worker rights . . . to the articles, objectives, and related instruments of the GATT 1947 and of the WTO.'' Despite this crystal clear mandate from the U.S. Congress, the Bush Administration has refused even to propose a working party on worker rights at the WTO. U.S. Trade Representative Zoellick told the House Ways and Means Committee on October 9th that such a proposal ''would kill our ability to launch the round . . . It has no chance whatsoever.'' The truth is, the Uruguay Round Agreements did not ask the President or his Trade Representative to evaluate the potential success of seeking a working party; it said the President ''shall seek'' such a party. Why would we give this President authority to negotiate trade agreements on an expedited basis, with no amendments, when it appears he already doesn't follow the instructions mandated by law from this body?

This Administration has publicly announced it will not enforce provisions negotiated in good faith by the Clinton Administration in the Jordan Free Trade Agreement. The Jordan agreement incorporated enforceable workers' rights and environmental protections in the core of the agreement subject to the same dispute resolution provisions as the commercial aspects. Yet in July, USTR Zoellick exchanged letters with the Jordanian ambassador to the U.S., in which both pledged not to use trade sanctions to resolve disputes under the agreement. This effectively gutted the path-breaking labor and environmental provisions in the Jordan agreement, since they are the only provisions not also covered by WTO rules, which authorize sanctions separately.

Also, the draft ministerial WTO declaration prepared for the next ministerial contains no progress on workers' rights whatsoever. There is not even a commitment for a formal cooperation agreement with the ILO, which would be a very minimal step forward, yet the Administration has not publicly criticized this aspect of the declaration.

The draft text of the FTAA, released in April, also contains no language whatsoever, not even as a proposal, linking trade benefits to workers' rights or environmental protection. If the FTAA negotiations continue on their current path, even the modest workers' provisions now included in the Generalized System of Preferences—which currently applies to virtually every Latin American country—will be rendered moot. In regard to the on-going Chile and Singapore negotiations, the Bush Administration has apparently retreated from the Jordan agreement commitments which were to be the baseline for the labor and environmental provisions of any new agreement. It has also failed to

bring forth any proposals on labor and environment in the negotiations. Chilean negotiators have told reporters that the U.S. is only asking for monetary fines to enforce labor and environmental standards. This falls short of even the modest Jordan standard.

It is clear this Administration has no commitment to labor rights or the environment in its trade policy. In fact, it doesn't see them as fundamental principles necessary to achieve fairness in the global trading system—it sees them as ''potential new forms of protectionism.'' This is what USTR Zoellick said in a speech to business associations in New Delhi last year. He also told the audience: ''We can work cooperatively to thwart efforts to employ labor and environmental concerns for protectionist purposes.''

Mr. President, we can not trust what this Administration says it will do when negotiating agreements because quite honestly, it doesn't believe what it is saying when it negotiates them. Worker's rights and protection of the environment in trade agreements are secondary to commercial interests. Period. They are secondary when it comes to workers and the environment abroad and they are secondary when it comes to workers' and the environment here.

For example, we have watched workers in the steel industry bear the brunt of ineffective trade policies and more recently, inadequate trade remedies on the part of this Administration. Although the President's recent Section 201 decision brought relief to some segments of the United States steel industry, it did nothing for Minnesota's Iron Range—nor for the iron ore industry in Michigan. While the President imposed a fairly significant tariff on every other product category for which the International Trade Commission (ITC) found injury, for steel slab he decided to impose ''tariff rate quotas.'' This brings us virtually no relief.

Nearly 7 million tons of steel slab can continue to be dumped on our shores before any tariff is assessed. The injury will continue. Moreover, already some of our trading partners—Brazil, for example—are angling for exemptions that would drive the quota levels even higher. And, frankly, I fear this Administration might listen too sympathetically to such pleas.

In fact, members of the Senate's Steel Caucus recently received a letter warning of potentially devastating impact of grants of exclusions awarded by the Administration. As the President of the United Steelworkers of America, Mr. Gerard, says, ''It would be tragic if having traveled so far to provide the industry and its workers and communities desperately needed relief, that the Administration now wasted this opportunity by making unwarranted exclusions at the behest of our trading partners.''

Frankly, the commitment to protect domestically produced iron ore and the blast furnace capacity to process that iron ore is shockingly absent. We must remain vigilant.

All of this leads me to the final reason I oppose moving to the fast-track bill. It is obvious this nation has more urgent priorities than debating fast-track authority. America's manufacturing industry is in a deep, long-lasting crisis that threatens the future of American prosperity. Manufacturing job losses since July 2000 have totaled 1.3 million. Manufacturing employment peaked in March 1998 at 18.9 million, but since then has declined by more than 1.6 million jobs to a total of 17.3 million. Last year, total employment in manufacturing fell below 18 million for the first time since June 1965. From 1994 to the present, growing trade deficits have eliminated a net total of 3 million actual and potential jobs from the U.S. economy—nearly 50,000 of those jobs in Minnesota, representing 2% of the state's labor force. Let's be clear. This crisis is a result of a failure of economic and trade policy. We should be addressing this failure, not granting fast-track authority for major new trade negotiations.

Domestic companies are hurting and domestic jobs are being lost by the thousands because of unfair trading practices not adequately curbed or punished by our domestic trade policies. What's perhaps most troublesome is that the trade-related losses of the past decade happened during times of economic prosperity so their effect was masked. I think we are just starting to feel the real impact of this nation's misguided trade policies. And now the Administration wants even more authority—fast track authority—to perpetuate these misguided policies? Where are their priorities? Do they even recognize the needs of workers in America?

We must address the condition of the American worker first. Trade Adjustment Assistance is critical for thousands of American workers and their families, and it should not be bootstrapped to a flawed, undemocratic bill that will cause more long-term hardship. I support the trade adjustment assistance portion of this bill. It will provide important assistance that is urgently needed. But, I believe we should address TAA separately, on its own merits.

Congress established TAA in 1962 to assist workers whose job loss is associated with an increase in imports. Workers are eligible for up to 52 weeks of income support, provided they are enrolled in re-training. The program also provides job search and relocation assistance. Despite low unemployment through the second half of the 1990s, the number of workers eligible for TAA has increased. In 2000, approximately 35,000 workers received TAA benefits. Unfortunately, existing TAA eligibility requirements have not kept up with the changing times. TAA covers too few workers and fails to address major problems that workers and communities face. The TAA provision in this package would help change that.

It would broaden eligibility and expand benefits, providing benefits to secondary workers, including suppliers and downstream providers. For example, iron ore workers who faced layoffs because of increased steel imports would be covered. TAA eligibility would also be expanded to include workers affected by shifts in production, as well to those affected by increased imports. It would increase income maintenance from 52 to 78 weeks; substantially increase funds available for training; ensure workers who take a part-time job don't lose training benefits; and increase assistance for job relocation.

The expanded program would link TAA recipients to child care and health care benefits under existing programs, and provide assistance to recipients in making COBRA payments. When you lose your job you lose your health insurance, and unfortunately that often means you lose your healthcare. While I was in Minnesota last summer, I heard from working men and women who had lost their jobs because of the economic downturn. In the fall I spoke to many who had become unemployed as a direct consequence of September 11th. Many of them told me that they were eligible for COBRA assistance but couldn't afford it. The average cost of COBRA coverage for a family is $700, more than half the monthly unemployment benefit. 80% of dislocated workers don't purchase it because they can't afford it. They end up having to make an awful choice: the choice between food and clothes for their families and having health insurance. This is unacceptable. We must provide assistance to the unemployed to ensure they have affordable health insurance.

The TAA provision in this bill would recognize the special circumstances faced by family farmers, ranchers and independent fishermen, and would seek to provide assistance and technical support before they lose their businesses. It would provide wage insurance for older workers and help communities adjust to devastating job losses. Mr. President, entire communities are often affected by the closing of one textile factory or steel mill. We must coordinate federal assistance to these communities, help them develop strategic plans following job losses, and provide technical assistance, loans and grants.

As of December, in Minnesota over 3800 workers have applied for Trade Adjustment Assistance as a result of NAFTA. Entire companies have relocated to Mexico or Canada, or workers have been laid off do the increase in imports from those countries. We must guarantee that all Americans benefit from trade by providing adequate trade adjustment assistance. But even that is not enough. We must protect the standard of living and quality of life of the American worker. We must address decline in real median wages and the weakening of workers rights in this country. And we must do so before we even think about fast-track authority.

Why is it, for example, that we are proceeding to debate the need for expedited review of trade deals this Administration negotiates when we have yet to address the long over-due increase in the federal minimum wage. Have we considered the irony of this? Expedited review of trade agreements that cause us to lose jobs, that undermine worker safety and security around the globe, before we debate a paltry $1.50 increase in the minimum wage over three years?

Poverty has nearly doubled among full-time, year-round workers since the late 1970s—from about 1.3 million then to 2.4 million in 2000. There are millions of mothers and fathers toiling 40 hours a week, 52 weeks a year, who are still unable to meet their families' basic needs—food, medical care, housing, clothing. More than 32 million people in this country—more than 12 million of those children—were poor in 1999.

A key part of the problem is an unacceptably low minimum wage. Minimum wage employees working 40 hours a week, 52 weeks a year, earn only $10,712 a year—more than $4,300 below the poverty line for a family of three. The current minimum wage fails to provide enough income to enable minimum wage workers to afford adequate housing in any area of this country.

Mr. President, every day the minimum wage is not increased it continues to lose value, and workers fall farther and farther behind. Minimum wage workers have lost all of their gains since we last raised the minimum wage in 1997.

Today, the real value of the minimum wage is now $3.00 below what it was in 1968. To have the purchasing power it had in 1968, the minimum wage would have to be more than $8 an hour today, not $5.15. Since 1968, the ratio of the minimum wage to average hourly earnings dropped from 56% to 36%.

Members of Congress acted to raise their own pay by $4,900 last year—the fourth pay increase in six years. Yet we have not found time to provide any pay increase to the lowest paid workers, an increase that would add $3,000 to the income of full-time, year-round workers. Don't those who are most vulnerable in our society, those who are absolutely struggling to make ends meet, those who every day are forced to choose between food, clothing, shelter, or health care for their families, don't they deserve the modest increase in the minimum wage that is proposed in the legislation that has been stalled for far too long.

A gain of $3,000 would have an enormous impact on minimum wage workers and their families. It would be enough money for a low-income family of three to buy: over 15 months of groceries; over 8 months of rent; over 7 months of utilities; or put a family member through a 2-year community college program.

History clearly shows that raising the minimum wage has not had any negative impact on jobs, employment, or inflation. Rather, in the three years since the last minimum wage increase, the economy experienced its strongest growth in over three decades. Nearly 11 million new jobs were added, at a pace of 218,000 per month.

Nearly 9 million workers would directly benefit from the proposed minimum wage increase, many of whom are raising children. Thirty-five percent of these workers are the sole earners for their families. Sixty-one percent are women. Sixteen percent are African American and twenty percent are Hispanic American.

Finally, since a minimum wage increase goes to families who need every dollar for basic needs, raising the wage will provide a much-needed spur to our slowly recovering economy. Fifty-eight percent of the benefit of the 1996 and 1997 increases went to families in the bottom 40% of income groups. Over one-third of the benefit went to the poorest families, those in the bottom 20%.

A fair increase in the minimum wage is long overdue. This body should not be proceeding to this wrong-headed fast track measure at all. But at the least we should not be doing so in advance of considering a minimum wage increase to correct some of losses suffered as the result of our shameful inaction in the past. No one who works for a living should have to live in poverty.

I oppose the motion to proceed to fast-track authority for all the reasons I have laid out here today: the fast track mechanism is undemocratic, it is unlikely I will be able to support trade agreements negotiated under fast-track authority given the consequences of past trade agreements, the track-record of this Administration so far, and the text of the Trade Promotion Authority Act, and I believe is irresponsible to discuss fast-track authority before addressing the urgent needs of workers in this nation.

I know that I am not alone in my opposition to fast-track authority. And I know that proponents of it will try to cast this debate as one of protectionists versus free traders. Nothing can be farther than the truth. The debate today is one of free trade versus fair trade. I know the difference. The American people know the difference. The debate today is about the responsibility of this nation to ensure justice in the global trading regime, to ensure democracy, human rights and all the values that make this nation great are not swept aside in the name of trade promotion. And it is about ensuring the American worker is not swept under the rug in the name of free trade.

Mr. President, Americans and especially the American worker, understand the link between promoting human rights and democracy and promoting free trade. In fact, they demand that link. We have seen it in the street of Seattle, Washington; Genoa, Italy; and just two weeks ago here in Washington, DC. At the grassroots level, people are demanding that trade be more than the simple movement of capital. They are demanding that it be more than the protection of intellectual and investor property rights. They are demanding more than what we see in this fast-track bill. My position on trade agreements is their position. It is not ''no, never.'' It is ''yes, if.'' Yes to trade agreements if they protect democracy, human rights and internationally recognized labor rights; yes to trade agreements if they guarantee minimum safeguards for the environment; yes to trade agreements if they do not abandon family farmers to competition from export-oriented mega-farms abroad operating free from any environmental regulation; yes to major trade agreements if they do not displace thousands of workers without any adjustment assistance. I oppose this motion to proceed and I will oppose the bill when it comes to the floor. To reiterate, Article I, section 8 of the Constitution says it is not the President but the Congress that shall regulate commerce with foreign nations.

I am not willing to shirk my responsibility of being a part of shaping a trade policy that can dramatically affect the quality of lives of families and people I represent in Minnesota. I do not understand how we could agree to a fast-track procedure whereby we could have a trade agreement which would entail actually changing some of our domestic laws that deal with consumer protection, that deal with worker rights, that deal with a whole range of issues, and that we basically surrender our rights to have the opportunity to have an amendment considered on the floor of the Senate. It makes no sense whatsoever.

This legislation locks us into fast-track rules now for debates and votes we will have later. The administration is talking about agreements with Chile and Singapore, the Free Trade Agreement of the Americas. In other words, we are deciding now whether to establish special and highly restrictive rules which will govern our debate on votes on pieces of legislation, votes that will take place later; an expedited schedule, no amendments, a limited number of debates. I don't understand it.

We can have trade legislation without this procedure. With fast track, any kind of trade agreement can come to the Senate floor. It can affect environmental laws that we pass in our States—in Delaware, in Minnesota. It can affect food safety legislation that we might pass in our States or pass in the Congress. It can overturn and declare trade illegal. It can be a trade agreement that we make with different countries, that further depress wages in our country. That means many working families will lose their jobs. That means no respect for basic child labor rights. And where there is no respect for human rights, there is no respect for democracy.

All of that can happen, and we are going to say through this legislation

that we forfeit our right as Senators to represent people in our States and try and amend these agreements so we can provide protection for the people we represent? I say to colleagues, on principle alone, I oppose this.

By the way, I opposed the Democratic administration. It is not a matter of politics. I oppose any President having this authority. I don't believe we should give up what is not only our constitutional right but our responsibility as legislators.

Robert Zoellick discussed why he needs fast track: If I am pressing my counterpart to go to his bottom line, he or she will balk if they feel the Congress has the ability to reopen the deal. My counterparts fear negotiating once with the administration and a second time with the Congress.

From the floor of the Senate, I say for Mr. Zoellick, without acrimony, we have a system of checks and balances. We have three branches of Government. As a matter of fact, during the decade of the 1990s, we negotiated close to 200 trade agreements only two of which used the fast track procedure. I have a list of them. The list goes on and on and on.

Let me make a second point, which is more hard hitting. When I look at past trade agreements and some of the empirical evidence, I don't want to give up my right to amend future trade agreements which I think will have the same detrimental or an even more detrimental effect on families in the State of Minnesota or, for that matter, around the country.

Let's just take NAFTA. The Economic Policy Institute, a highly respected think-tank, issued a report last year entitled ''NAFTA At Seven: Its Impact on Workers in all Three Nations.'' The report says:

> NAFTA eliminated some 766,000 actual and potential U.S. jobs between 1994 and 2000 because of the rapid growth in the U.S. export deficit with Mexico and Canada.

Minnesota lost 13,200 jobs due to the NAFTA-related deficit.

The report went on to say that in the United States:

> NAFTA has contributed to rising income inequality, suppressed real wages for production workers, weakened collective bargaining powers and ability to organize unions and reduced fringe benefits.

A second report released last October argues that when you look at the combined NAFTA and WTO trade-related job losses between 1994 and 2000—and I voted for neither agreement—the number is over 3 million. According to that report, Minnesota lost 50,000 jobs. The EPI estimates that 5 percent to 15 percent of the decline in real median wages can be explained by this increase in trade.

What are we saying? I will tell you something about potash workers. I was in Brainerd. It is so heartbreaking that 700 workers are out of work. When I called the CEO, he said to me: Senator, we can deal with any of the U.S. companies. We got killed by trade policy. In greater Minnesota they were shut down and lost $20-an-hour jobs with health care benefits.

LTV's iron ore workers—slab steel is coming in, produced way below the cost of production, and 1,300 workers are out of work, having lost well-paying jobs with good health care benefits.

Apparel workers, textile workers, auto workers continue to lose their jobs. In all due respect, we are supposed to be the party that represents working people. We are supposed to be the party for jobs. I fail to see how we live up to this responsibility by signing on to a trade agreement where we do not even have the right to offer amendments.

These companies say to workers in this country: if you do not give up some of your health care benefits, or if you do not agree to keep your wages down, we are gone. They do not say to workers in Minnesota: we are going to North Carolina. They are leaving North Carolina, too. They are saying to American families: we are gone. We are going abroad. We are going to Juarez, or Singapore, or wherever. We are going to Vietnam. We are going to Cambodia where we can pay people 30 cents a day; we can hire little children; we can work them 18 hours a day; we can imprison people if they try to organize and form a union, and we can torture people and violate people's human rights. There are some 70 governments today in the world that systematically practice torture.

Then, what these companies say to these countries is: OK, we will come to your country, but if you dare ever pass legislation allowing people the right to organize and bargain collectively, then we will leave, or we will not come. You had better not have any environmental standards that make it hard on us, or then we will not stay. You had better not pass any laws that protect little children so they don't have to work 18 hours a day at age 11, or we will not invest in your country.

We are given all these arguments about how we should be internationalists. I am an internationalist. My father was born in Odessa, Ukraine. My father's family moved to stay one step ahead of the pogroms. He moved to Siberia in czarist Russia and then came here at age of 17. He fled czarist Russia. There was a revolution. He was going to go back, and his parents told him: Don't come back, the Communists have taken over, Kerenski is out and Lenin is in. He never saw his family again, and they, in all likelihood, were murdered by Stalin.

My father spoke 10 languages fluently. I don't. But I am an internationalist. That is not the issue.

I know we are part of an international economy. I just want to ask, are there not any new rules that go with this? Just as 100 years ago when we moved from a farm economy to a national economy to more of an industrial economy—remember what happened? The women said: We want the right to vote. And then workers organized for an 8-hour day and 40-hour week, and then other citizens, the farmers and Populists alliance, said: we want some antitrust action; these trusts are destroying our lives. And there was the Sherman Act and Clayton Act, and then other people said: we want direct election of Senators.

There was a group of citizens who in a democracy demanded what they as citizens in a democracy had the courage to demand, which was: As we move from an agrarian to a national economy, make that national economy work not just for these huge companies, but for all of us, for our families and our children.

Now we are in the 21st century. What we are saying is, with this new international economy, can't we make sure that this new economy works not just for large multinational corporations? Can't we make sure that this new international economy works for workers—workers here and workers in developing countries? Can't we make sure it works for the environment and works for human rights and democracy?

It breaks my heart that we are told we can lead, but we can't lead with American values. What we are hearing from the administration and some of the proponents of this is: We have to do this. We have to lead. But we dare not—and believe me, I will have an amendment on the floor that will do this—we dare not tie this to human rights or democracy. There cannot be any mention of human rights or democracy in any of these trade agreements. We are asked to lead, but not lead with our values. We are asked to lead, but not stand for human rights. We are asked to lead, but not stand for democracy. As a first-generation American, the son of a Jewish immigrant who fled persecution from Russia, I reject that proposition.

There is much I could say that is more technical, and I will as we get to amendments, but I have one other question. Why are we on this legislation? How about first raising the minimum wage? In the coffee shops of Minnesota, when I walk in with Sheila and have a cup of coffee and a piece of pie, people don't say: Are you going to get to fast track? People talk to me about wages. They talk to me a lot about education.

How about a debate about when we are going to fully fund special education and live up to our commitment? The Presiding Officer, as a former Governor, knows what that is all about in Delaware.

How about a debate about affordable prescription drugs for seniors, and for others as well? We should be able to reimport drugs from Canada. Farmers and consumers should be able to reimport drugs back from Canada, if they have met all their FDA requirements. It helps not only senior citizens but all of our citizens.

How about going from $5.15 an hour which, if it kept up with inflation,

would be $8 an hour—$1.50 over the next 3 years?

In the State of Minnesota, to be able to afford housing at minimum wage, you would have to work 127 hours a week. There are not 127 hours in a week. It is just unbelievable. We are the Democratic Party. I am, today, speaking for the Democratic wing of the Democratic Party. Housing? In the State of Minnesota now, in the metro area, you will be lucky if you get a two-bedroom apartment for under $900.

Childcare? If you had a 2-year-old and 3-year-old, you would be very lucky if your expenses were less than $1,000 a month.

Of course, childcare workers make $6, $7, or $8 an hour with no health care benefits. You can't support yourself on minimum wage. If you are a single parent, that takes almost all of your income. It doesn't even meet the question of health care costs, food, transportation, and maybe once in a blue moon to go to a movie, or go out to eat.

Why aren't we focusing on the basic concerns of working families? I make this appeal on the floor of the Senate. Why aren't we talking about raising the minimum wage? Why aren't we talking about minimum wage jobs? Why aren't we talking about affordable prescription drugs? Why aren't we talking about health security for all? Why aren't we talking about how to meet these exorbitant health care expenses that small businesses can't meet? Why aren't we talking about what we are going to do as more and more of our neighbors, parents, or grandparents live to be 80 and 85 to make sure they can stay at home and live at home with dignity and not be forced to go to nursing homes? Why aren't we talking to our health care providers and to our physicians about adequate Medicare? Why aren't we talking about how we can have more support for nurses and attract more teachers? Why aren't we talking about retaining more teachers? Why aren't we talking about doing more for K–12? Why aren't we talking about affordable higher education, how we can make sure that every child by kindergarten knows how to spell his names, knows the alphabet, the colors, the shapes, and the sizes when they are ready to go to school?

Why in the world are we not focusing on these issues that are so important to the vast majority of the people we represent?

Why are we talking about fast track? Why are we calling upon all of us to give up our constitutional authority to amend trade agreements; to give up our responsibility to represent the people back in our States in case these trade agreements are antithetical to their rights as workers, or to their environment, or to their safety, or to their children; or to the rights of consumers?

I wouldn't do it for any President. Why don't I just lay my cards out on the table. Forgive me. I wouldn't do it for this President.

I don't see that this administration is at all committed to raising the minimum wage, or to making sure people have the right to organize and bargain collectively for labor law reform, or, for that matter, to protecting against repetitive stress injury, and to ensuring a safe workplace.

I don't think there is a great commitment on the part of this administration on behalf of the environment, consumers, or ordinary people who do not have all the capital and who make the huge contributions. I don't see a whole lot of commitment.

Now we are going to give this administration fast-track authority? I didn't vote to give it to the last administration. We can't come out here with an amendment to try to make things better. We can't fight to represent the people back in our States. And the trade agreements that I have seen so far—every single one—do not represent fair trade. They don't have child labor standards. They don't have basic human rights standards. They don't have any standards for protection of the environment. At the end of the day, there are depressed wages for workers not only in our country but in the developing countries as well. I think we can do better.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTEREST RATES FOR STUDENT LOANS

Mr. WELLSTONE. Mr. President, I have not had a chance to review the specifics of the President's proposal. Jill Morningstar works for me on education. She gave me a briefing last night, which I haven't had a chance to read.

As I understand it, the administration is now basically proposing that students will not be able to consolidate some of their students loans in order to lower the interest rates and give them a break on interest rates.

I want to say to the White House that this is a true no-brainer; that is to say, it is a nonstarter.

I think the more the administration hears from higher education students in the State of Minnesota and around the country, the more they are going to realize that it is not true that these students when not in school are traveling around the swank ski resorts or playing on all the swank golf courses because they have a ton of money. It is not true. If they are 18, 19, and 20, many of them are working several jobs 30 hours a week. Many of these students in my State—I bet in Delaware, too—are in their forties and fifties and are going back to school.

I am the beneficiary of the National Defense Education Act, which was a low-interest rate loan, and I only had to pay half of it back because I went into teaching.

We should be going in the direction of more affordable higher education—not less affordable.

I think the bind this administration is in with their proposal is they are trying to figure out ways of supporting the Pell Grant Program because so far in their budget they don't have the support for it and the ability to find other pots of money.

This is sort of an unconscionable tradeoff. This is not the way we get more funding for Pell grants or other worthy programs—basically by severely undercutting students' abilities to be able to combine their loans and pay a lower rate of interest.

This is really anti-education. Frankly, it is anti-student.

I want the higher education community in Minnesota to know that is why I came to the floor. I am adamantly opposed to this policy. I join the ranks of other Senators—Democrats and Republicans alike—in opposition.

I think for many middle-income families higher education ranks right up there as one of the huge issues. It is very important.

I imagine that back in my State—and other Senators and Representatives will be doing the same thing—I will be having some meetings with students. Unless I am wrong, I think we will see a tremendous reaction, a lot of organizing, and a lot of insistence that the administration change this policy.

I am on the floor of the Senate today to call upon the White House to basically back away. They are going in the wrong direction. They are going to really feel the political heat. You should really feel the political heat.

This is the bind we are in. All of these worthy programs are on a collision course with the tax cut. Let us have tax cuts. Let us do some of it, but there has to be balance.

We have done so much by way of tax cuts. Now they want to make these tax cuts permanent. We no longer have revenue when it comes to affordable higher education, prekindergarten, welfare reform, money for childcare, money for TANF, affordable housing, special education, title I, support for COPS, support for firefighters assistance grants, and more research for all kinds of disabling diseases and illnesses.

So many people in the last couple of days have come from our State asking about money for Alzheimer's, diabetes, Parkinson's, mental health, and on and on. The money isn't there. This is one little example.

I come to the floor of the Senate to make clear my opposition to the direction the administration is going. I call on students to organize for higher education to make sure their voices are heard. I think the administration needs to hear from you because they are about to make it harder for you to afford your education. That is a distorted

priority. We ought not be making it harder for men and women—whatever their age—who want to pursue higher education. It makes no sense whatsoever.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I rise this afternoon to express my strong support for the motion to proceed to the Andean Trade Preference Act.

Since 1991, the Andean Trade Preference Act has helped the countries of the Andean region—Bolivia, Peru, Ecuador, and Colombia—to more than double their exports to the United States, to nearly $2 billion in the year 2000.

At the same time, exports from the United States into the Andean nations saw a 65-percent increase between 1991 and 1999.

Colombia, Bolivia, Ecuador, and Peru have not only increased their exports, they have accomplished another important objective to them and to the United States; and that is, they are developing new, nontraditional sectors of their economy. They are developing legitimate commercial exports as alternatives to the illicit drug trade which has so bedeviled these countries in the recent past. This has been a huge benefit not only to the four countries of the Andean region but to the United States as well.

Today, as an example, 85 percent of Colombia's cut flowers go by export to the U.S. market. In fact, these flowers alone account for 80 percent of the air freight between the United States and Colombia.

In Peru, the asparagus industry has served as an example of what an alternative crop production can achieve—an alternative to illicit coca production. Asparagus, growing in Peru, now employs 40,000 people in a legal agricultural enterprise.

In spite of this progress, regrettably, the ATPA expired last year on December 4, its 10th birthday. It is in the national interest of the United states of America, as well as the national interest of the four nations of the Andean region, that this Congress act now to restore and enhance this highly successful program.

The House has already done so. In December of last year, it passed its version of Andean trade preference renewal and expansion. It is time for the Senate to do the same.

Why is this legislation important? And why is it important now?

I suggest three reasons: the grave consequences of inaction, the opportunity to strengthen the partnership between the United States and the Andean region, and as an important tool in our global war on terrorism.

What are some of the consequences of inaction?

The expiration of the ATPA is having an immediate and negative impact on the export industries that have blossomed under the benefits of this program, as well as industries that support this trade.

In February of this year, 2 months after the ATPA had expired, I requested that the administration grant a deferral on the collection of those additional duties which came due as a result of the expiration of the ATPA.

The President, in my judgment, agreed and used the administrative power to postpone the collection of those additional ATPA duties for 90 days with the expectation that Congress, during that period of time, would renew and extend ATPA.

That period of deferral is almost over. The 90-day clock runs out on May 16. If we have not completed all the work needed to pass this legislation into law by then—including passage by the Senate, a potential conference committee with the House of Representatives to resolve what differences might exist, and final signing into law by the President—if we do not do all of those acts by May 16, the U.S. Customs Service will start sending out bills for duties which would then be due and payable.

These bills will be steep for both importers and their customers. An example: Annual imports of flowers totaling $400 million from the region are liable for duties of up to 6.8 percent. Example: Annual imports of asparagus worth $50 million will get an additional 20-percent tariff. Example: Leather handbags and luggage imports of $20 million a year are subject to a 10-percent tariff. Example: Imports of precious metal jewelry, worth $140 million a year, will face up to 7-percent duties.

I know the Presiding Officer is a caring man and probably—I would say no doubt—gave to his wife, maybe to his mother as well, beautiful flowers for Valentine's Day and is preparing to do the same for Mother's Day. Chances are great that those flowers he has and will provide to his loved ones came from an Andean country. And the risk of applying these additional tariffs to the two most significant days of the year for the sale of flesh cut flowers, Valentine's Day and Mother's Day, representing 50 percent of the total cut flower imports, will be enormous.

Because of the temporary extension of ATPA, only the tariff duties have been deferred. Growers will still be responsible if the renewed ATPA fails to become law by May 16, only 4 days after Mother's Day. On top of that, if you send those flowers for Mother's Day, they will probably cost you about $6 more just because we have allowed ATPA to lapse.

With the proven, positive economic returns of the current ATPA, we must not only renew these trade benefits; the time has come to expand them.

The Andean landscape was noticeably changed in the year 2000 with the passage of the Caribbean Basin Trade Partnership Act. That legislation provided the Caribbean nations significant new trade benefits, essentially parity with the benefits which Mexico has received under the North American Free Trade Agreement Act. But in helping the Caribbean Basin, we have inadvertently hurt the Andean region.

The Andean apparel industry is tiny in comparison to the apparel industry in Mexico and the CBI countries. Of these three preferential trade arrangements in the Western Hemisphere, NAFTA accounts for approximately 55 percent of U.S. apparel imports. CBI has a 41-percent share. The Andean Trade Preference Act countries provide only 4 percent.

Despite its small share of our imports, the U.S. market is the recipient of over 90 percent of the Andean countries' apparel exports, so it is a small percentage of our imports of apparel from the Western Hemisphere. But our market is an extremely significant economic opportunity for these four countries. If Congress does not level the playing field between ATPA and the Caribbean Basin, the potential job loss is tremendous. Colombia alone stands to lose up to 100,000 jobs in just the apparel sector. As I will indicate later, there are already early indications of a significant relocation of the apparel assembly industry from the Andean trade area to CBI or Mexico because of the some 8- to 10-percent competitive advantage which Mexico and the Caribbean now have over the Andean region as it relates to the export of finished apparel products.

U.S. imports of apparel from Colombia in 2001 were down 18 percent over the year 2000. Total apparel exports to the United States from the Andean region were down over 11 percent for the same timeframe.

As a result, U.S. exports of cut pants to be assembled into apparel in the Andean countries was also down but down by an average of over 33 percent. This reduction in exports, which support the apparel industry, illustrates how the lack of trade benefits clearly hurts both the United States and the Andean countries.

We must create a business climate that can provide Andean citizens an alternative to illegal industries. Promoting legitimate economic development rather than leaving these countries at a competitive disadvantage with their near hemispheric neighbors, especially in highly mobile industries such as apparel, is a critical goal of this ATPA legislation.

If we are successful in our counternarcotics efforts in Colombia alone, it is estimated that there will be a quarter of a million people out of work. A quarter of a million people in Colombia earn their living in the elicit drug trade. It is our national policy and goal

to try to eliminate that elicit drug trade. As part of that strategy, we have a role to play in developing legal alternative jobs for those people who we hope will lose their jobs in coca production and trafficking.

It is ironic that at the same time we are asking the region to eliminate an illegal industry that contributes almost 5 percent of its gross domestic product, we have created an environment which makes it more difficult for those same countries to retain legitimate industries.

It is imperative that we correct that inequality now and send a strong signal with a renewed and expanded Andean Trade Preference Act.

I have been talking about some of the immediate and microconsequences of inaction by the Senate. There are macroconsequences as well. As you can see in the chart I have brought, the Andean region is bordered on the north by Venezuela and on the south by Argentina. Venezuela, as evidenced by events in recent days, is facing an increasingly volatile and unstable political future. To the south, in Argentina, the economic situation is still reeling. Without active U.S. involvement in the region, the Andean nations could share the same fate as their northern and southern neighbors.

Our Andean neighbors are trying desperately to keep their houses from catching fire.

But the houses on both ends of the block are already in flames. The ATPA duty preferences expired, and the Andean countries are fighting that fire with water through buckets. We need a renewed and expanded ATPA to give them a big firetruck with a steady and reliable stream. We are sending exactly the wrong signal to our neighbors if we do not take active steps at this pivotal time.

The second reason this is important is the building of partnerships between the United States and the Andean region. While the clock is ticking on Congress to act on ATPA legislation, there is another clock ticking in the Andean region and the Western Hemisphere, including the United States, in the area of apparel production. For now, many of the largest apparel assembly countries in Asia have been at a comparative advantage in the production of apparel. As an example, these two golf shirts, sold by the same company, same label, same color, would be considered identical. There is a difference. If you look inside the one, you will see that it was made in Nicaragua; the other was made in China. Other than that, they are identical.

One other area in which they are different—they both sell for approximately $20—is the shirt that is made in Nicaragua costs 10 percent more to produce than the shirt made in China. The shirt made in Nicaragua started as cotton grown in a U.S. field. That cotton was then made into the material from which this shirt was made. That material was then sent to Nicaragua, where it was assembled into this golf shirt. This shirt from China was made from Chinese cotton, converted into textile in a Chinese textile factory, and then assembled by Chinese workers.

That is a significant part of the reason, even though this had to come halfway around the world; whereas the one from Nicaragua only a few hundred miles, and the shirt from China costs 10 percent less to produce than did the shirt from Nicaragua. How has this imbalance been maintained? It has been maintained because the United States, as part of what is called the Multifiber Agreement, sets an annual limit on how much product of a particular apparel can be exported into the United States.

As an example, under current agreements, China is limited to exporting 2.374 million dozen golf shirts to the United States per year. That restriction on the amount of product that can be exported to the United States is a significant reason the partnership of the United States growing the raw material, converting it into clothing material, then shipping that to a Caribbean, Mexican, or Andean assembly factory for final conversion into the wearable product has been able to sustain itself.

In the year 2005, the Multifiber Agreement goes out of effect. In the next 3 years, the apparel industry in the Western Hemisphere must get substantially more efficient in order to compete with China and the other major Asian producers, which will likewise come out from under the restrictions of the Multifiber Agreement in 2005. Failure to become much more efficient, in my judgment, puts the whole partnership of U.S. agriculture, U.S. textile, and Caribbean, Mexican, or Andean assembly in serious jeopardy.

The assembly operations in this hemisphere, under our law—including the law we are now considering extending—must use U.S. fabric and yarn, buy U.S.-made sewing machines and equipment, and use U.S.-grown cotton and other fabric materials. If these industries do not become more efficient in the Andean region, the Caribbean, and Mexico, they will lose out in global competition to Asia. Then, American raw materials and equipment, and some 40,000 to 50,000 Americans who are involved in producing the material that goes into these garments that are assembled within the hemisphere will all be completely out of the picture. With the enhancement of the Caribbean Basin Initiative in 2000, fabric exports to Caribbean nations from America, or assembly of apparel items, rose 170 percent since 1999.

Last year, the United States exported $3 billion in cut parts to Caribbean nations, which supported some 60,000 jobs in the United States, 40,000 to 50,000 of which were in the textile industry. This increase in cut parts exports came despite an overall decline in U.S. exports of finished apparel from CBI countries.

What this all means is apparel manufacturers are substituting U.S. fabric and yarn for foreign inputs, proving that the partnership between the U.S. textile and yarn producers and the Caribbean assembly operators is working. That is the same result we hope to achieve in the Andean region. If we can make importing our fabrics more affordable, based on trade benefits and reduced tariffs, then American jobs will be saved.

But passing trade preference legislation is only part of the equation for making the apparel sector more efficient within our hemisphere. There must also be comprehensive implementation of both the letter of the law and the spirit behind it. Legislation expanding CBI in 2000 was a good example. Congress expanded the trade benefits for apparel assembled in the region from U.S. yarn and fabric. But there are still many more hurdles to clear before the region will be an efficient manufacturer of apparel—efficient in terms of our ability to compete with Asian manufacturers.

Secretary of Commerce Don Evans has taken the lead in coordinating the administration's long-term implementation of the Caribbean Basin Initiative. Last year, the Department of Commerce canvassed its overseas post in the Caribbean to identify other problems that are holding the countries back from more efficient production. The Department's exports identified issues such as poor transportation systems, high energy costs, unreliable energy supply, and the unpredictable business climate as obstacles to greater efficiency in the Caribbean assembly industry.

This year, the Department of Commerce has assembled an initiative to begin tackling some of these problems. When we pass Andean trade preference enhancement—and I am very optimistic that we will—there must be a similar effort to assure that not only are the trade benefits implemented but the region, as a whole, is prepared to meet the challenges of the sharply increased competition it will face in the post-2005 world.

The third and final reason I think this is important—and important now—is the role that this legislation will play in our effort to combat narcotics and counterterrorism. The ATPA is more than just good trade policy. The ATPA is a key tool in fighting our Nation's war against terrorism.

Recently, the Director of the CIA, Mr. George Tenet, came before the Senate Select Committee on Intelligence, of which I am privileged to be the Chair, and said Latin America is ''becoming increasingly volatile as the potential for instability there grows.'' One reason he cited was the sluggish, oftentimes downward spiraling economy in Latin America. What was the other reason? Terrorism.

Some of the worst terror and violence in the world is happening in the Western Hemisphere. In Latin America, the evil hand of terror has become

an everyday reality for too many. In Colombia, for example, paramilitary forces linked to the drug trade have instilled fear through random kidnappings and bombings. A statistic which I think would stun most citizens of the United States is this: In the year 2000, of all the worldwide incidents of terrorist attacks against United States citizens and United States interests, over 44 percent of those worldwide terrorist attacks against Americans occurred in a single country, Colombia.

Today in Colombia there is no substantial difference between one who is a drug trafficker and one who is a terrorist. Recent events, such as the indictment in a United States court of four members of the primary terrorist organization in Colombia, known by the name of FARC, on drug charges, confirm this trend.

In the early days in the Andean region the drug traffickers who were providing cocaine were highly centralized. They had a chief executive officer. They were vertically integrated. That started with growing of the coca in the fields to financing its distribution in the United States and other demand countries.

We made a major effort—we the civilized world, with the United States playing a key role—to take down these highly centralized drug organizations, particularly the Medellin and the Cali cartels. After a long period of significant investment and loss of life, we, the Colombians, and the international community were successful.

We thought that by taking the head off the drug cartel snake, we would kill the rest of the body. In fact, what we found in the late 1990s was these decapitated snakes were beginning to reconstitute themselves, and they were moving away from the large corporate model towards a more entrepreneurial model; where they used to have vertically integrated parts of the drug chain, now they have multiple, small drug traffickers for each phase of the process, from growing in the field to transporting, to the financing of the drug trade.

For a period of time, these new entrepreneurial drug traffickers found themselves at risk because they did not have the security blanket that the old centralized system had provided. So they turned to the modern economic guerrillas, the Al Capones of Colombia, and made a pact. The pact was: We will pay you well if you will provide us security so we can continue to conduct our illicit drug activities.

For awhile, that was the deal, but then the Scarfaces figured out: We are providing the capability of these drug traffickers to do their business, but they are making a lot more money in drug trafficking than we are in providing the security for the drug traffickers. So why do we not become drug traffickers ourselves? And they did.

By the end of the 1990s, the drug trade, particularly in Colombia, had been largely taken over by the former ideological guerrillas who had become the Al Capones and now were becoming drug traffickers.

The motives of those who commit violent acts throughout the world are variant, but one thread is predominant in nations plagued by terrorists: An economy unable to provide hope or a legitimate means for the people to earn a living. In Colombia, this condition is fed by the illegal businesses that are the root of violence: Drug cultivation and smuggling.

The recent escalation of tensions in Colombia magnifies the urgency of America's involvement in helping to sustain South America's oldest democracy, Colombia. At the same time, Peru, Ecuador, and Bolivia are also vulnerable to the surge of the illicit narcotics trade as they have developed alternative business programs.

Fifteen years ago, most of the cocaine in the region was grown in Peru and Bolivia and then transported to Colombia for processing. Those levels have been dramatically reduced, in large part because local farmers have been encouraged, in significant part through U.S. programs, to make the transition from illegal cocaine to a legal agricultural crop. With this continued commitment, our neighbors will have incentives to develop both legitimate economic alternatives to the production of drugs and real avenues to end the violence that plagues so much of our hemisphere.

If we are serious about halting the flow of illegal drugs to the United States, if we are committed to contributing to the stabilization of our nearest neighbors in the hemisphere, and if we are steadfast in our war against terrorism, then the United States must act now to both extend and expand these portrayed benefits, important for us and important for the four countries of the Andean region.

Time is short for the people of our regions who stand to lose should we fail to pass this legislation. The time is now. The days between now and when the crisis occurs on May 16 are few. I urge my colleagues to expeditiously move to the passage of this legislation, to the resolution of differences, and to accept the invitation to attend a signing ceremony in the Rose Garden and then to see that the roses of hope will begin to bloom again in the backyards and fields of our neighbors in the Andean region.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I appreciate the indulgence of my colleague from South Carolina. I will speak for 5 or 10 minutes. I thank him for the courtesy.

Madam President, the Senate is embarking on a historic debate, one in which we have the opportunity to expand economies, promote job creation, and reduce poverty, in the United States and around the world. As we consider this package of trade bills and debate whether to grant the President trade promotion authority, I hope we remain focused on the big picture. Both collectively and individually, these bills promote the expansion of global free trade and the prosperity that attends it.

Since the end of World War II, the United States has served as a global leader and champion of free trade. Regrettably, a recent surge of protectionism, often driven by special interests that care nothing for the welfare of the average American consumer, has severely handicapped our leadership. Major U.S. trading partners doubt our dedication to free trade, and not without cause. Recent protectionist policies on lumber and, most egregiously, on steel have fueled the scorn of our global trading partners—and rightly so. Failing to pass trade promotion authority will forfeit our nation's legitimacy as a global free trade leader and confirm the views of critics around the world who don't take our devotion to free trade, and consequently our global leadership, seriously. We cannot let this happen.

The authority first established by the Trade Act of 1974 and now proposed in TPA expired eight years ago. Since then, numerous trade agreements, in which the United States has not participated, have been negotiated and implemented around the world. The simple fact is that our trading partners are unwilling to negotiate agreements with an administration that lacks TPA.

Today, there are 130 preferential trade agreements, and the United States is a party to three of them.

Similarly, the United States is a party to only one of the 30 free trade agreements in the Western Hemisphere. Those 156 agreements to which we are not a signatory represent missed opportunities for all Americans.

The American people benefit enormously from trade, even if they often don't realize it. Today, over 12 million U.S. jobs depend on exports, and those jobs pay wages that are 13 to 18 percent higher than the national average. Every day, American consumers reap the benefits of trade in the form of lower-priced goods and services. The office of the U.S. Trade Representative estimates that the combined benefits of the North American Free Trade Agreement, NAFTA, and the Uruguay round agreements have saved the average American family of four between $1,300 and $2,000 a year. A University of Michigan study found that a global reduction of trade barriers could result in an additional income gain of $2,500 for the average American family of four.

Too often, our Nation's approach to trade has been to open foreign markets

to American goods and services while erecting domestic barriers to foreign imports. But trade does not work that way. It is, by definition, a two-way street. Continuing along this protectionist path will ultimately cause more damage to the very American industries clamoring for protection today. Without reciprocity, the farmers and corporations of this Nation will soon lose access to the valuable markets they depend on to sell their goods. Such an approach turns trade, a positive-sum game in which all parties benefit from expanded economic opportunity, into a zero-sum game strangely reminiscent of a discredited, mercantilist past.

Expanding free trade is a way to improve the well-being of all Americans, particularly the working poor. The most basic economic analysis shows that tariffs represent an unfair tax on an already overtaxed public. Reducing barriers to trade is the equivalent of a tax cut for every consumer. Presidential trade negotiating authority was necessary in the past to reach the agreements from which Americans currently benefit. That same authority is needed for this administration and others to negotiate future agreements, to build on our prosperity.

By enabling the negotiation of bilateral and multilateral trade agreements, TPA will empower the President to eliminate trade barriers, reduce tariffs, and open foreign markets to American goods and services. American workers, farmers, businessmen, and consumers will benefit from the successful completion of the World Trade Organization negotiations in Doha, regional free trade agreements like the Free Trade Area of the Americas, and bilateral trade agreements such as those we hope to achieve soon with Singapore and Chile.

On a regional level, it is particularly urgent that we support our allies in the hemisphere by deepening our trade relationship with them, in order to advance broader American interests in Latin America. Let there be no doubt: the Andean Trade Preference Expansion Act is important to U.S. national security and the security of the democratically elected governments in the Andean region.

In 1991, former President Bush signed into law the Andean Trade Act. In a fresh approach to the war on drugs, he argued that promoting trade between the United States and the countries of the Andean region would expand their economies, create jobs outside the drug trade, and increase stability in the Andean region. After a decade in which democracy has taken root in these nations, these goals are even more important.

Although the original Andean Trade Act represented a modest effort—granting duty-free or reduced tariff treatment to a limited number of goods from Bolivia, Colombia, Ecuador, and Peru—it has produced many successes. Two-way trade between the United States and the Andean nations has more than doubled since 1991, and new industries have emerged as a result of the reduced-tariff benefits or the agreements.

In Colombia, for example, the fresh-cut flower industry has created over 150,000 new jobs. These people are now harvesting and planting flowers rather than trafficking illegal drugs. Similarly, in Peru, the benefits of the Andean Trade Act encouraged farmers to cultivate asparagus, creating 50,000 new jobs, and making asparagus that country's largest export crop to the United States. Today, farmers in the region are choosing to plant products to be exported under the Andean Trade Act, rather than coca. Our strategic goals in the region require us to build upon these successes.

The Colombia conflict lends particular urgency to the need for swift congressional action on Andean trade expansion. Not only are Colombia's people at risk from the FARC terrorists, Colombia's democracy is at risk from the corrosive effects decades of civil war have had on her institutions and her economy. The military and intelligence assistance America provides to Colombia is critical, but it is only a part of our policy response. We have an obligation to help our ally not only to defeat the terrorists, but to build the foundation for a lasting peace by supporting economic development in Colombia. Andean trade expansion provides a way to do that without costing U.S. taxpayers a dime.

The government of the region, burdened by the spillover effects of the Colombian conflict, are the most eloquent advocates for the tangible benefits provided by the Andean trade agreement. The group of nations that benefit from the act are critical to the hemispheric stability, prosperity, and democracy America has worked to foster in the region. These nations stand with us in wanting to end the economic despair and dislocation the Colombian conflict has projected across their borders. It is in America's interest to counter the economic destabilization that war has brought to Colombia's neighbors with the broad-based economic growth that represents the region's best hope.

The arguments that drive support for the Andean Trade Preference Expansion Act demonstrate how trade and development in the Andean region increase our national security. I hope the Senate will act swiftly on the ATPA, given the expiration of existing Andean trade preferences on May 16, as we accelerate our efforts to build prosperity and consolidate democracy in the region.

As we consider this entire legislative package, I would caution my colleagues against further efforts to restrict free trade. I hope we will avoid the temptation to support veiled protectionist measures in order to secure passage of this bill. We cannot, in good faith, work to promote trade liberalization with one hand while restricting it with the other. Such an approach will not further the expansion of global free trade. Indeed, it will only solidify the distrust of our allies and trading partners while doing nothing to increase the prosperity of the American people.

A critical component of this trade bill is how to develop the best possible solution for providing assistance to hard-working Americans who may lose their health insurance coverage as an unintended result of this legislation. This is a real concern and one that we must take seriously. However, we can't allow this issue to be politicized and used to deter the passage of this important trade bill. Both sides of the aisle have made significant progress toward a compromise. Now we must continue compromising until we iron out a fair and sound solution for addressing the health care needs of our Nation's workers.

Ensuring access to affordable and quality health care for all Americans must be a priority, and I commend each of my colleagues who are fighting for health care protections for workers possibly impacted by this bill. But this simply can't be done if partisan politics prevent us from working together to find a solution that is good for our workers and the overall quality of our health care system.

I look forward to this broad trade debate. I believe it is healthy for our Nation and our democracy for our leaders to make what is a compelling intellectual case for free trade, and to demonstrate to the American people how successful trade liberalization represents money in the pockets. We now have the opportunity to reverse the recent protectionist tide. It is time that we look to the future, consider the long-term interests of our Nation, and work urgently to provide the President with the authority he needs to negotiate for free trade.

Madam President, I reiterate, the situation in the four countries of Colombia, Ecuador, Bolivia, and Peru is such that we cannot delay, longer than May 16, passage of the Andean Trade Preference Expansion Act. I cannot tell you the problems that will result in that very delicate region of our hemisphere at that time if the Andean Trade Preference Expansion Act is not renewed.

Colombia is in serious trouble. Peru has only recently emerged from a very difficult period. Ecuador has been directly impacted by the conflict within Colombia. And, of course, Bolivia has had severe economic problems for a long period of time.

This is a small step but a very important one. And our failure—our failure—to act on this legislation I think would send a very bitter message to our friends and allies in our own hemisphere.

After passage of the North American Free Trade Agreement, America's goal was to have a hemispheric free trade agreement within a short period of time. Obviously we have fallen very short of that.

I look forward to a vigorous debate with my friend from South Carolina and my friend from North Dakota who just came to the Chamber. I hope this debate is based on our mutual concern for the workers of America, but that concern should also be balanced by our concern for the average working men and families in America who will find that goods and services are less expensive to them. History proves it. No, we don't like to see lumber workers or cotton farmers or wheat farmers or anybody else harmed by free trade. We can take care of that impact on our economy and still serve the greater good of our entire Nation.

I have had the great privilege of visiting South Carolina on many occasions. One of the greatest products of free trade is the BMW plant, which the Senator from South Carolina was instrumental in attracting to that great State. It is always a privilege for me to go back and visit.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I thank my distinguished colleague from Arizona, ranking member and former chairman of our Commerce Committee.

The fact is, where we have that BMW plant, just 2 years ago, in Spartanburg County, we had 3.2 percent unemployment; it is now 6.1 percent. It is just an outflow, a stampede almost of the exportation of textile jobs in South Carolina. Since NAFTA we have lost 53,900 jobs. That is one of the things they are debating with respect to trade adjustment assistance to get health care. If you are going to have trade adjustment assistance, I certainly want to apply it to those lost jobs. They are out there struggling in the sense that almost, in a way, I don't have any more jobs to lose. I have to apply it to those because they are retrained and skilled.

I gave the example of Oneida, the little T-shirt plant where they had more than 400 employees with an average age of 47 years old, lose their jobs. So they trained them as expert computer operators, as Washington tells them to do. Who is going to hire the 47-year-old? They are going to hire 21-year-olds. So they are still out of a job. That is the desperate circumstance that is going on all over the country.

Mr. MCCAIN. I thank my friend from South Carolina. He has the floor. May I ask unanimous consent for 1 minute to respond?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I say to the Senator from South Carolina, I know there are individual and heartbreaking stories of people who have lost their jobs in the textile industry in South Carolina. The fact remains that history and the record show that every American family, whether they are unemployed or employed or rich or poor, has benefited by the importation of less expensive goods and services into the United States. We balance this with assistance, training, in every way we can, including reaching agreement on health benefits for dislocated workers.

I never have sold anything to a grocery store. I bought a lot from grocery stores. I buy flowers a lot cheaper when they are grown in Colombia than when they are grown in South Carolina. It has never been my ambition for any child to grow up to work in a textile factory. I would much rather have them work in a BMW plant or high-tech factory or other kinds of employment for which we can provide the training and education.

I hope the Senator understands the fact that Americans have profited by free trade enormously. Yet we can still address the specific problems that result from dislocated workers. That is what free trade is all about. That is why I believe this Nation will continue to prosper when we have free trade agreements consummated between ourselves and our neighbors. We should be concerned about the economy of countries such as Colombia because their narcotraffickers can take over that country and export their goods, which are drugs, into this one.

I thank the Senator from South Carolina. I look forward to a renewal of our spirited discussion which we have had for many years, always marked by respect for the views of the junior Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Senator from Arizona. There is no question that they are better jobs, but textiles are very good paying jobs at $10 and some odd cents an hour. Those are middle class Americans.

The Senator is correct, facts are facts. That is why this particular Senator, as Governor some 40 years ago, went to Europe to get that BMW plant. I didn't get BMW at that particular time. Since that time, in my travels to Germany, we now have in South Carolina 117 German plants in my little State. So, yes, we have gotten way better jobs. We have continued to work on that.

But I would just address a few comments with respect to the need for the trade bill. I heard my distinguished leader earlier today. He outlined the need for the trade bill. He said: Wait a minute, you have to understand, after all, these are just singular examples that I had given earlier in the morning's debate with respect to Vietnam and Jordan. Those are just one country. He said: But when you have multilateral countries, it is sort of hard to get them all together and then get an agreement, then bring it back to the Congress and have amendments.

Not so. The Andean trade agreement we are now discussing involves several countries. Without fast track, we have listed in the 2001 Trade Policy Agenda and 2000 Annual Report by the U.S. Trade Representative, some 100 different agreements. I have gleaned many of them. Of course, the African Growth Opportunity Trade Agreement, involved a few dozen countries. We got that without fast track. We told President Clinton we didn't want to abdicate our responsibility in regulating foreign commerce.

Article I, section 8 of the Constitution, says the Congress shall regulate foreign commerce. It doesn't say the President, or the Supreme Court, but the congressional branch, the legislative branch. We were not going to abdicate that authority, which we are being asked to do at the present time.

We didn't do it. And to refute that argument with respect to the multilateral requirements, the Caribbean Basin Initiative with nine countries; the chemical weapons treaty, of course, that we debated during the Clinton administration, there were over 100 countries; the semiconductor agreement with the European Union, the United States, Japan, and Korea, more than a dozen countries joined in that one without fast track; the telecommunications agreement with the Asia Pacific countries, that was more than a dozen countries involved there; the international tropical timber agreement with numerous countries, the United States; Central American Regional Trade Investment Agreement in November of 1998, there were nine countries; the WTO telecommunications agreement in 1997, that was some five dozen countries. So was the WTO financial agreement in 1999. I could go on and on.

Don't be sold a bill of goods about the difficulty of fine points and numerous countries. That happens right regularly, and that is why you have trade agreements, and that is why we have been able to get over a hundred during the past 10 years alone.

Now, Madam President, the next point that was made was that the United States has only 4 percent of the world's consumers. Of course, right to the point, the distinguished leadership is confusing the population with numbers of consumers. What we are really interested in is that 4 percent. Those who are opposing fast track are interested in those 4 percent of consumers because, unless you have a job and are making a living, we have consumers going out of business. That is the stopping, the cessation of consumption that has this economy in a funk.

I just had a gentleman, from SBC Communications, telling me how his stock had gone down. I said: Meet the group. MCI has changed leaders today. So you have all of these telecommunications companies that are high-tech, and more growth, and they are in a funk because we don't have manufacturing, we don't have jobs. We have been exporting jobs faster than we can possibly create them. The United States also has the most skilled and productive workforce in the world—what is left?

I pointed out here, with respect to the steel, that I commend President Bush for his recent actions. Mr. McNamara, the former Secretary of Defense and head of the World Bank, went running all around to the Third World

emerging countries telling them they could not become a nation state unless they had steel—the capacity to produce steel for the weapons of war and the tools of agriculture. As a result, I look outside my office in Charleston at the dock, and they are off-loading Brazilian steel for construction all over the Southeast. Some 20 miles away is Nucor, the most productive, modern, competitive steel plant in the world. But how can they compete when the Brazilians are dropping steel off at less than cost on the dock there in Charleston. The rules are not being enforced.

What we need is not a free trade policy, we need competitive trade; we need to go back to the word itself—''trade''—something for something. Not aid. That is what the Andean thing is all about down there with Colombia, Ecuador, and Bolivia. They are saying: Look, get out of the drug business. That is what this initiative is about. Get out of the drug business and grow pineapples and bananas and that kind of thing.

I went and asked—in one of the meetings where I was getting a briefing in Bolivia a few years ago—what about this growing of pineapples. He looked at me and laughed. He said: You think I am going to struggle growing pineapples when I can get a little crop going and make a whole year's income in a week's time, when it would take a year with the pineapple crop, and have to worry about the weather?

He said: With these drugs, you don't worry about the weather.

Incidentally, he pointed out on the map an area as big as Georgia. He said: That is off limits for the Bolivian policy. We can grow anything we want to there.

Let's get into these trade agreements in depth and find out what is going on. The tail of the drug war is wagging the trade policy of America. I went up 14,000 feet to La Paz and they were chewing the drugs walking up and down the street. Oh, we had a wonderful thing. We had conquered a little bit of it. We had not conquered much. What was in Bolivia went into Colombia, and it gets into Peru and Ecuador—those four countries. The United States has one of the most open markets in the world. Well, that is exactly what they all argue, and everything else, that our open market is going to open their closed markets. In the 1990s, they argued that if we get these trade agreements, we will open the markets. We have yet to get into Japan or Korea.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOLLINGS. I ask unanimous consent—is the Senator from Arizona ready to speak?

Mr. KYL. I am. But if the Senator wants to close, that is okay.

Mr. REID. Mr. President, I yield from my time 10 minutes to the Senator from South Carolina.

Mr. HOLLINGS. I will complete this quickly.

Mr. DORGAN. Reserving the right to object, I ask unanimous consent to be recognized following Senator KYL's presentation.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I have to respond to Senator KYL because this deals with Senator LEAHY's committee.

Mr. KYL. Madam President, if I might suggest this: Probably Senator REID and I will have a colloquy over a series of unanimous consent requests that I will make. I will just count that on my time. When I am done, I will certainly have no objection to the Senator from North Dakota speaking.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HOLLINGS. I thank the colleagues in the Chamber for allowing me to have a few more minutes. I wanted to make an important point.

Ten years ago, in 1992, they said that is what we needed, just exactly what they said—to open up the markets. We would get these agreements to open up the markets. So here is a booklet by the Special Trade Representative on foreign trade barriers, and it equaled some 262 pages. Now, after we have gotten the NAFTA agreement, which was to open up markets, and after we have gotten WTO, which is a multilateral agreement—incidentally, let's find out how many markets have been opened. The book now has gone from 262 pages to 455 pages. It has doubled.

We have doubled the foreign trade barriers. All these wonderful free trade agreements were supposed to open up the markets. You continually hear that, but that isn't what occurs. Twelve million export-related jobs are manufacturing jobs. There are less than 17 million manufacturing jobs left in the country. Manufacturing has gone from 26 percent of the workforce 10 years ago to 12 or 13 percent today. The export-related jobs pay 13 percent to 18 percent more. Definitely, the manufacturing jobs do pay more. The union jobs, in a general sense—such as the Longshoremen and the AFL–CIO—are the ones opposed to fast track, vigorously, because they are exporting their jobs out from under them.

The balance of trade—you cannot turn back the clock on trade any more than on technologies; namely, typewriters versus computers. This is the old argument about, wait a minute now, we went from the horse and buggy days to the automobile, and now in trade we are going from typewriters to computers.

Here is a sample of the U.S. trade deficit in the world. We have a $20 billion deficit in the balance of trade with computers. We have a deficit in the balance of trade with cellular telephones, pacemakers, night vision equipment and other telescopes, and electrocardiographs. I could go on and on. The idea that, son, you don't understand, we are moving into globalization, and we have moved now from typewriters to computers. I told the story years ago as a witness.

I was told: Look here, let them make the clothing and the shoes. We will make the airplanes and computers. The truth is they are making the shoes and clothing and the airplanes and computers.

Finally—and I am trying to close down for my distinguished friend from Arizona. In the 1990s, we liberalized trade and saw record economic growth and job creation, some 20 million new jobs created from 1994 to 2000, and without fast track.

I do not know who got these points up for the distinguished leader about why we need it, because, yes, we had wonderful economic growth, but we had that without fast track. That was due to another measure that we passed in 1993.

I thank the distinguished Senator, and I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Arizona.

JUDICIAL NOMINATIONS

Mr. KYL. Mr. President, I appreciate the remarks of the Senator from South Carolina, and I ask that the record reflect my agreement with my colleague, Senator MCCAIN, on this matter. Since I have agreed with Senator REID to discuss another matter, I will simply indicate at a later time I will make remarks concerning both the Andean trade bill as well as trade promotion authority.

There is another matter which is very timely. As a matter of fact, it is important we speak on it now because there is scant time to get some very important business done in the Senate, which has to do with the confirmation of judges but more specifically the holding of hearings on judges because they cannot be confirmed until there has been a hearing on them. For too many of our judges, we do not even have hearings scheduled.

It would be one thing if we waited 2 or 3 months after a nomination to schedule a hearing, but I am speaking of people who have been nominated now for almost an entire year and there has never been a hearing scheduled for them. I am going to take a minute or two to talk about who they are.

I will quote briefly from a Washington Post editorial and then propound a series of unanimous consent requests that will perhaps move us toward the hearings we need to get these judges confirmed.

Preliminarily, Democrats and Republicans can both cite a lot of statistics about judges confirmed under one administration or another, and can pat themselves on the back about a job well done. But it seems to me one thing stands out that is unmistakably clear, and that is when the President has nominated a distinguished American to serve on a Federal district court or, in this case, a Federal circuit court of appeals, and the Senate does not deign to

give those people a hearing for over a year, something is wrong.

There is no excuse for holding someone for a full year. It has now been a year, minus 1 week, since the President made his first circuit court of appeals nominations, 11 in all. Eight of them have never had a hearing.

Quoting briefly from this Washington Post article of April 22:

It has been nearly a year since President Bush nominated his first batch of judges.

Parenthetically, that was done on May 9, 2001.

Of the initial group of 11 appeals court nominees, 8 have still not had hearings before the Senate Judiciary Committee. Two of these nominees are of particular local interest: John Roberts and Miguel Estrada. Both have been nominated to the D.C. Circuit Court of Appeals, which currently has 4 of its 12 seats vacant. Both, on the surface anyway, seem well qualified, having done extensive appellate work in the solicitor general's office and in private practice. Both have high profile bipartisan support. Yet neither has moved. And while Judiciary Committee Chairman Patrick Leahy has said that Mr. Estrada will receive a hearing this year, he has pointedly failed to promise the same for Mr. Roberts.

Skipping part of the editorial to two other quotes:

Nominees should receive timely consideration out of deference to the President, out of respect for the institutional needs of the judiciary, and out of a sense of fairness to the individuals. But delays are particularly objectionable when nobody will even come forward to make a case against the nomination.

The final three sentences of the editorial:

If there is a case to be made against either nominee, the onus is on opponents to make it and its proper forum is a hearing. If there is no case, the Senate should move to a vote. Either way, further delay is not the answer.

I ask unanimous consent that this Washington Post editorial dated Monday, April 22, 2002, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 22, 2002]

GIVE 'EM HEARINGS

It has been nearly a year since President Bush nominated his first batch of judges. Of the initial group of 11 appeals court nominees, eight have still not had hearings before the Senate Judiciary Committee. Two of these nominees are of particular local interest: John Roberts and Miguel Estrada. Both have been nominated to the D.C. Circuit Court of Appeals, which currently has four of its 12 seats vacant. Both, on the surface anyway, seem well qualified—having done extensive appellate work in the solicitor general's office and in private practice. Both have high-profile bipartisan support. Yet neither has moved. And while Judiciary Committee Chairman Patrick Leahy (D–Vt.) has said that Mr. Estrada will receive a hearing this year, he has pointedly failed to promise the same for Mr. Roberts.

Mr. Leahy is in a tough spot. He has taken a beating for his handling of judicial nominations, a beating that is largely unfair. The Senate has confirmed 45 judges since he took over the committee, which is a respectable pace. He certainly has not yet begun to match the obstructionism with which the same Senate Republicans who now criticize him managed the confirmation process while they were in charge of it. Neither, however, has he entirely restored dignity and fairness to it. Rather, like his predecessor Orrin Hatch (R–Utah), he is allowing individual nominness to sit around with no explanation for what are turning out to be long periods of time. These delays are hard to justify under any circumstances. Nominees should receive timely consideration out of deference to the president, out of respect for the institutional needs of the judiciary, and out of a sense of fairness to the individuals. But delays are particularly objectionable when nobody will even come forward to make a case against the nomination.

So far, anyway, nobody has made a serious case against Mr. Roberts or Mr. Estrada—neither of whom has an extensive public record of statements or writings to criticize. Liberal groups have complained that Mr. Roberts, as a lawyer for the government, helped write briefs that argued against abortion rights. The more general anxiety seems to be that both men are young, talented conservatives who could upset the D.C. Circuit's ideological balance. It is true that President Clinton's nominees to the D.C. Circuit were held up also—as, incidentally, was Mr. Roberts when he was initially nominated by the elder President Bush, But government by tit-for-tat is an ugly spectacle. If there is a case to be made against either nominee, the onus is on opponents to make it and its proper forum is a hearing. If there is no case, the Senate should move to a vote. Either way, further delay is not the answer.

Mr. KYL. I will indicate the names of these 8 nominees, and I will point out that of the 11 who were nominated by the President on May 9, 2001, 3 have been confirmed. Two of those were judges previously nominated by President Clinton, and I think that is interesting. The Judiciary Committee chairman is willing to move people who were nominated by President Clinton but not by President Bush. So when we talk about nominees of President Bush having been confirmed to the circuit court of appeals, remember that two of the three of this initial group were originally nominated by President Clinton.

The eight nominees who have languished before the committee are the following, and they are individuals all of extraordinary experience, intellect, and character:

John Roberts is a nominee to the DC Circuit. He is one of the leading appellate advocates in the United States, having argued 36 cases before the U.S. Supreme Court. He served as Deputy Solicitor General. I doubt there is another lawyer in this country in the Solicitor General's Office who has argued 36 cases before the U.S. Supreme Court.

Miguel Estrada is nominated to the DC Circuit. He has argued 15 cases before the U.S. Supreme Court, worked as a Federal prosecutor, as Assistant Solicitor General, and a Supreme Court law clerk. He came to America as a teenager, spoke virtually no English and, if confirmed, would be the first Hispanic ever to serve on the DC Court of Appeals.

Justice Priscilla Owen, who is a nominee to the Fifth Circuit, has served on the Texas Supreme Court since 1994. In her successful reelection bid in 2000, every major newspaper in Texas endorsed her.

Michael McConnell is a nominee to the 10th Circuit. He is one of the Nation's leading constitutional scholars and lawyers. His reputation for fairness and integrity has generated support from hundreds of Democrat law professors across the country.

Jeffrey Sutton is a nominee to the Sixth Circuit, another of America's leading appellate lawyers. He graduated first in his class from Ohio State Law School, has gone on to argue over 20 cases before the U.S. Supreme Court and State supreme courts, and served as the solicitor in the State of Ohio.

Justice Deborah Cook is also a nominee to the Sixth Circuit. She has served as a justice on the Ohio Supreme Court since 1994 and, before becoming a judge, was the first woman partner at the oldest law firm in Akron, OH.

Judge Dennis Shedd, a nominee to the Fourth Circuit, was unanimously confirmed to be a Federal judge in 1990. He is strongly supported by his home State Senators, Democrat HOLLINGS of South Carolina and Republican THURMOND of South Carolina. He served in the past as chief counsel to the Senate Judiciary Committee.

Finally, Judge Terrence Boyle, a nominee to the Fourth Circuit, was unanimously confirmed to be a Federal district judge in 1984. The former chairman of the State Democratic Party supports Judge Boyle's nomination, stating that he gives everyone ''a fair trial.''

On January 25, Judiciary Committee Chairman LEAHY indicated that Justice Priscilla Owen, Michael McConnell, and Miguel Estrada would receive hearings this year. Each has waited nearly a year for a hearing and more than 2 months for a hearing since this statement.

Chief Justice Rehnquist recently stated that the present judicial vacancy crisis is alarming and, on behalf of the judiciary, implored the Senate to grant prompt hearings and to vote these nominees up or down.

I conclude by showing two things. On this chart it shows the President's rate of judicial confirmations by the Senate, comparing President Clinton and President Bush. The red line ends at exactly 11 months after each President nominated his first nominees. These are both district and circuit court nominees.

By the end of 11 months, President Clinton had 67 percent of his nominees confirmed. President Bush, 11 months after his first nominee was made, only had 44 percent of his confirmed. At the end of 14 months, as it shows, President Clinton had 90 percent of his nominees approved—14 months after the first nomination was made. At the rate we are going, President Bush will be lucky to have 50 percent.

Let's be specific about circuit court nominees because I think this is even

more telling. This chart shows the circuit court confirmation rates by the Senate. Again, after 11 months, President Bush has had 31 percent of his circuit court nominees approved by the Senate. By contrast, 63 percent of President Clinton's nominees were approved to the circuit courts after 11 months, and 14 months after he made his first nominee, 86 percent of President Clinton's nominees had been approved by the Senate. At the rate we are going now, we are obviously not going to get to 86 percent. We cannot get the confirmation until we have had a hearing. It would be reasonable to expect hearings to be held on the eight nominees within a year of the time they were nominated. Whatever the record of success, whatever the number of hearings that have been held for district court nominees, whatever else one might say, there is absolutely no excuse for not even scheduling a hearing on a circuit court nominee for a full year after that nominee was nominated by the President.

UNANIMOUS CONSENT REQUEST

I have a unanimous consent request to propound, and I expect a fulsome response from the Senator from Nevada. I ask unanimous consent no later than May 9, 2002, the Judiciary Committee shall conclude hearings on each of the eight nominations remaining of those made by President Bush on May 9, 2001, to the United States Circuit Court of Appeals.

Mr. REID. Mr. President, reserving the right to object, I have a number of things to say. I don't mean to detain people unnecessarily, but I don't think this is unnecessarily. I will take some time. The Senator from Arizona is welcome to stay or not. I have something I want to say regarding this issue.

One thing I want to say in my reservation, and I will save the rest as I get the floor, I have the greatest respect for my friend from Arizona, a man who is an outstanding lawyer. I knew of JON KYL's legal reputation in Nevada. I knew of him in Nevada because of his reputation in Arizona as a lawyer. He was good at a lot of things.

One of the things we look to JON KYL for with respect is his great knowledge of water law. In the arid Southwest, when a lawyer understands water rights, someone in the legal profession, someone who bears a standard, one whom others look up to—not many people know water law.

The point I am trying to make is that the Senator from Arizona is a fine lawyer. He is a fine Senator. But I want to remind him as to one of the things he spent a little time discussing today, the DC Court of Appeals—Senator KYL discussed the need to fill vacancies in the DC Circuit—President Bush has nominated two people to the circuit court. Because they have been nominated by President Bush, my friend from Arizona, the lawyer whose credentials I have already established, has changed his tune. Lawyers can do that. When they do, sometimes you have to bring it to them.

On March 19, 1997, for President Clinton we were trying to get approved a man by the name of Merrick B. Garland, a lawyer from Maryland, to be a U.S. Circuit judge for the District of Columbia.

The Senator from Arizona said, among other things, when responding to Senator SESSIONS: Like my colleague from Alabama, my colleague from Iowa, and others, I believe the 12th seat on this circuit does not need to be filled. I am quite skeptical that the 11th seat, the seat to which Mr. Garland has been nominated, needs to be filled, either. The case against filling the 12th seat is very compelling and it makes me question the need to fill the 11th seat.

He goes on to say: In the fall of 1995, the court subcommittee of the Judiciary Committee held a hearing on the caseload of the D.C. Circuit. Judge Silberman pointed out that the courtroom normally used for en banc hearings seats only 11. In other words, that is all they can accommodate.

Mr. President, the Senator from Arizona, 4 or 5 years ago, thought there was no need to have these seats filled in this circuit court. But he has changed his tune now because we have a different President.

For this and other reasons, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. KYL. Mr. President, I very much appreciate the kind remarks that the Senator from Nevada made about my law career, and I do appreciate that sincerely. He knows of my affection for him.

Before I make my next request, I point one thing out with respect to what the Senator from Nevada said about my opposition to filling the 12th position on the D.C. Circuit Court of Appeals. At that time, there were two vacancies. He correctly read my remarks. I said I didn't think we needed to fill the 12th, and I had questions about the 11th. But there are now 4 vacancies, and I don't think there is any doubt we need to fill numbers 9 and 10. When we get up to No. 11, maybe I will have a question still, and I might even not support filling the 12th. But that was a totally different situation because we were talking about the 12th and final vacancy.

Here we have four vacancies, and I have advocated that we fill two of them.

In view of the objection that was heard, let me ask my colleague if he would agree to the following, and I propound this request: I ask unanimous consent no later than May 9, 2002, the Judiciary Committee will conclude hearings on at least seven of the eight remaining of those nominations made by President Bush on May 9, 2001, to the D.C. Circuit Courts of Appeals.

Mr. REID. Reserving the right to object, I don't often smile on the Senate floor, but I really have to smile at this request. The reason I do that is I had a Senator come up to me today and say: Why are we voting on all these judges? We voted on four judges last week. We voted two judges today.

I have other things I will say, but I object.

The PRESIDING OFFICER. The objection is heard.

Mr. KYL. Mr. President, I appreciate the objection.

We have voted on several judges. I am talking about holding hearings on judges nominated over a year ago, not voting on them; just holding a hearing and trying to hold the hearings before the anniversary day.

In view of that objection, let me propound this request: That no later than May 9, 2002, the Judiciary Committee shall conclude hearings on at least six of the eight nominations remaining of those made by President Bush on May 9, 2001, to the U.S. Circuit Courts of Appeals?

Mr. REID. Mr. President, we could go through 6, 5, 4, 3, 2, 1. I object.

I reserve the right to object in this instance because the Judiciary Committee is working very hard. Let me lay the foundation.

Senator LEAHY became chairman of the Judiciary Committee. In fact, we didn't organize—he became chairman sometime in July or August—because we had trouble getting the organization going after we took control of the Senate. Immediately after he became chairman of the committee, however, 9–11 occurred, and a short time after that, anthrax in Senator DASCHLE's office basically closed up one office building and that took care of half the Senators.

In spite of 9–11, the new leadership role that Senator LEAHY obtained, and the anthrax scare, he went ahead and held all kinds of meetings of the Judiciary Committee. I attended one in the basement of the Capitol. There we had a circuit court judge, Judge Pickering. I remember that very well because I had one of my Nevada judges there. I testified for my judge. It was very crowded. Senator LEAHY was commended, as he should have been, for holding the hearing. There was really no room.

Senator LEAHY has gone to great lengths to make the Judiciary Committee one that functions well. I will lay out in some detail what he has done to maintain the Senate's proper role in the selection of judges. Remember, the Judiciary Committee had the lead role in a number of other very important items following September 11. The work that we did with antiterrorism legislation was all done in the Judiciary Committee. Senator LEAHY, with his counterpart, Senator HATCH, worked night and day for weeks to get that done. We finally got it passed. It took an inordinate amount of time.

I say to my friend from Arizona, with the deepest respect, Senator LEAHY and the Judiciary Committee are going to hold hearings. They have already held hearings.

As I have said on this floor on a number of occasions: This is not payback time. If it were payback time, we would not have already approved 52 Federal judges since Senator LEAHY took over that committee. But we have approved 52 Federal judges.

If it were payback time, we would not be holding any hearings. Remember, we had judges who waited more than 4 years for a hearing. We are not going to do that.

People who are selected by the President of the United States to be judges, whether they are trial court judges or circuit court judges, are going to have hearings. I assume there would be some exceptions, but I can say, with little reservation, Senator LEAHY is going to hold hearings for all these people and in as timely a fashion as he can.

I therefore object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, in deference to the Senator from Michigan who is here, I gather, to speak, instead of going through the numbers of 5, 4, 3, let me just see if I could get my colleague to agree to this because we do have a full week left. I am a member of the Judiciary Committee, and I can tell you, we have not been that busy. We have had plenty of opportunities for hearings. These eight nominees have been sitting around for a year, and none of them has had a hearing. We could easily have a hearing for two of these nominees before the anniversary date of 1 year from their nomination by the President.

I ask unanimous consent that no later than May 9, 2002, the Judiciary Committee shall conclude hearings on at least two of the eight nominations remaining of those made by President Bush on May 9, 2001, to the U.S. Circuit Courts of Appeals.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. REID. Mr. President, I can assure the Senator from Arizona and anyone within the sound of my voice that Senator PAT LEAHY is going to do the very best he can in holding hearings for all nominees, not only circuit court but trial court judges. As to whether or not he can complete two judges within the next week—the next 9 days is what it is because tomorrow is May 1—I really cannot tell Senator KYL whether that will take place.

But I know the Senator from Vermont is going to do the best he can. I heard him in a conversation today, right here. He was right here because he was at the leader's desk this morning talking about the judges whom we approved. I heard him talking to a Senator regarding a circuit court judge, that he would do a hearing in the immediate future. Immediate is pretty quick. I know that will be done.

With respect and the knowledge that Senator LEAHY is going to move it forward as quickly as he can, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. I think I know the answer to this, but it would certainly be possible for us to have a hearing on one nominee. As a member of the committee, I think it is doable, I can tell you. I think it is only fair that Senator LEAHY pick out one of these people and have a hearing for him or her 12 months after their nomination.

So, out of desperation, I ask unanimous consent that no later than May 9, 2002, the Judiciary Committee shall conclude hearings on at least one of those nominations remaining of those made by President Bush on May 9, 2001, to the U.S. Circuit Courts of Appeals.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, my friend should not be desperate. This is not a desperate situation. I am not on Senator LEAHY's committee. I can't speak for his committee. But I have some responsibility to try to see that the Senate operates in an orderly fashion, especially things that go on here in the Chamber. I am convinced Senator LEAHY will do everything he can to move these men and women forward who have been nominated.

Remember, I am sure we have had at least 52 hearings. We have 52 judges who have moved forward during the last few months. That is pretty good. So it is not as if there is a so-called stonewall. He is doing the best he can.

I say with some degree of apology to my friends from Michigan and Kansas, I am going to speak for a few minutes on the judges situation, so I think they should rest their legs for just a little bit because I am going to speak.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, I guess in light of this last objection, as the lawyers say, I will rest my case. I think I have made my point. I hope we can have this conversation again in the next 2 days. Having had an opportunity to confer with Senator LEAHY, I hope the Senator from Nevada will have better news for us, but especially for the eight nominees who have been languishing now for a full year, and we can quickly move to have a hearing on at least some of those nominations.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. KENNEDY. Will the Senator yield?

Mr. REID. I am happy to yield without losing my right to the floor.

Mr. KENNEDY. Mr. President, I ask unanimous consent that we consider an increase in the minimum wage no later than June 15.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Yes, Mr. President. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I think I made my case.

The PRESIDING OFFICER. The Senator from Nevada, the assistant majority leader.

Mr. REID. Mr. President, I ask unanimous consent to speak as in morning business and the time count against the 30 hours, postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, just last week, as I indicated, the Senate confirmed its 50th judicial nominee. Today we got two more judges. This has happened in less than 10 months since the change in majority. More of President Bush's judicial nominees have been confirmed in less than 10 months than were confirmed in all 12 months of 4 of the 6 years Republicans controlled the Senate.

I have always been very dubious of numbers because even as one who did not have a degree in engineering or did not do much in the way of math in high school or college, I can still do a lot of things with numbers. We can manipulate numbers—you know that is easy to do. We can have all kinds of numbers games. I will run through a few numbers here this evening on judges.

The thing I want everyone to know is that Chairman PAT LEAHY is an honorable man. He represents a very small State in population, the State of Vermont. He takes a very close look at everything that affects Vermont. He does a great job for Vermont.

One reason I have so much respect for Chairman LEAHY is his view is of more than the State of Vermont. He has a national view. He has been a Senator for a long time, the first Democratic Senator ever elected from the State of Vermont.

He has been able to represent that State so well, but also do a good job for our country. A lot of times that is not easy to do, but he has done that.

He has been chairman of the Agriculture Committee. I served on the Appropriations Committee. He has been chairman of that very volatile Subcommittee on Foreign Operations, foreign aid—the committee from which people run. He doesn't run from that or anything else. He is a very courageous man, PAT LEAHY.

I only say that because we can do all kinds of things with numbers. My friend on the other side of the aisle can bring out fancy little charts and say this happened. I can bring them here and talk about what has happened. But I want everyone to look for just a minute in their mind's eye at PAT LEAHY. Does he want to leave a legacy in the Senate that he was the kind of person who would not approve people who are qualified lawyers who want to become Federal judges? The answer is no.

PAT LEAHY also before he came here was a prosecutor, a lawyer. He was a good one. He was a young man. But that is why he got elected to the Senate, because he was a great prosecutor.

Look at PAT LEAHY a little bit. Put yourself in his role. He wants to be recognized as somebody who runs the Judiciary Committee in a fair manner. I do not know of anyone who could question his honesty, his integrity, and therefore I say let's not really worry about all these numbers.

I can make a case with numbers. I think he has done more than he physically should have done, because it has just been so hard for him to do that. I talk about the committee hearing. My colleagues complained that we have only approved—I don't know how many circuit judges he said. But we had hearings on them. Pickering had a hearing. He couldn't make it out of committee. That is more than they gave our people.

He said some people on May 9 will have waited a year. Well, that is too long, and I recognize that. But it is not 4 years.

More than 50 of President Clinton's nominees never even got a vote. Others waited years to be confirmed. Still others languished for years and many months before a hearing and then no vote. They had hearings and never had a vote in the committee. The Judiciary Committee never voted. Where were the Republican voices of concern then?

Under Republicans, total court vacancies rose from 63 in 1995 to 110 in July 2001, when the committee reorganized, and circuit vacancies more than doubled from 16 to 33. The Republicans caused all the vacancies about which they are now complaining.

I had a big murder case when I practiced law. A young man shot his two parents. It was a very serious case, to say the least. But today people still joke about that case. There isn't anything to joke about. It is the old standard joke that you have heard a thousand times: He was now an orphan. He pled for the mercy of the court because he was an orphan. He killed his parents.

That is about what we have here. Republicans caused these vacancies. Vacancies continue to exist on the courts of appeals, in part because a Republican majority wasn't willing to hold a hearing or vote on more than half—56 percent—of President Clinton's circuit nominees in 1999 and 2000, and was not willing to confirm a single circuit judge during the entire 1996 session.

This is like somebody who kills his parents and then asks for mercy. They ask for mercy because they are an orphan.

They helped create these vacancies.

I repeat: On more than half—56 percent—of President Clinton's circuit nominees in 1999 and 2000, the Republicans were not willing to hold hearings and vote on them. In 1996, not a single circuit judge was confirmed. Some of the vacancies they are talking about go back to 1990, 1994, and 1996. They refused to fill the vacancies.

Under Senator LEAHY's leadership and Senator DASCHLE's leadership, judicial vacancies are going down, with 50 judges confirmed—as I indicated last week, it is now up to 52—including 9 circuit judges. That is more than were confirmed in all 12 months of 4 of the 6 years of Republican control. As of April 29, there were 90 vacancies, and 29 of them were circuit.

The Senate has already devoted a week in March to Senator LOTT's amendment, No. 3028, to the energy bill. One reason it took the energy bill so long is we had a week of time on the sense-of-the-Senate resolution demanding that those nominated last May 9 have a hearing by May 9. The Senate, of course, rejected this, as it should have done. An almost unanimous Senate supported, instead of the second-degree amendment to that resolution, the committee's continued fair treatment of judicial nominees and its efforts to schedule and hold regular hearings on judicial nominees.

That is what we said we would do. That is what Senator LEAHY is doing. The Judiciary Committee has continued its efforts in accord with the Senate resolution which passed this body. The Judiciary Committee held 17 hearings involving 61 judicial nominees. That is more hearings on judges than the Republican majority held in any year of its control of the Senate. They were considered en bloc form rather than one or two at a time. In effect, we have had at least 54 hearings.

I say that really skewing numbers a little bit because in some hearings more than one person was brought before the committee.

That is more hearings on judges than the Republican majority held in any year of its control of the Senate.

I repeat: The Judiciary Committee had 17 hearings in less than a year, and that is more than held in any year of the Senate when the Republicans controlled it.

Rather than berating the Judiciary Committee, I commend Senator LEAHY and the members of that Judiciary Committee for doing the good work they have done. Remember, they have more responsibility than just approving judges. The Republican leadership never followed a ''first in, first out'' rule. As the former chairman said in 2000, ''If nominees were only considered in the order they were nominated, the process would grind to a halt as more qualified nominees would back up behind the questionable nominees.'' That makes sense.

The Democratic leadership has been working hard to process the nominations of qualified, noncontroversial nominees to address the vacancy crisis caused by previous Republican obstruction and inaction.

We are carefully reviewing the records of those nominated last May, as well as other nominees. All but one of those nominated last May 9 were chosen by the President without any consultation with both parties in the Senate. In spite of that, we have already expedited and confirmed three of them.

One of the May 9 nominees lacks home-State consent. Surely the minority is not suggesting overriding the Senate tradition of consent or what we call blue slips from both home-State Senators. Senator ORRIN HATCH—a dear friend—would never agree to that when he was chairman. He would never consider that. The other seven appear to be relatively more controversial nominees who require a great deal of background research. They will have hearings, but more work needs to be done. If the committee fails to do this thorough investigation of these men and women who would serve for life, it fails its job to the rest of us.

When these nominations come here, I depend on the Judiciary Committee. I am not a member of that committee. I assume that if there is a problem with one of them, someone is going to provide that for me. If they don't and something comes up later, I am going to be very upset, as well as Senator LEAHY and the other members of that committee. They need to take the time to do the job right.

Five of the May 9 nominees were nominated to seats that have been held vacant for years and years by Republicans. Well-qualified Clinton nominees to those seats were blocked by Republicans, including two well-qualified gentlemen active in the Hispanic community in Texas: Enrique Moreno and Judge Jorge Rangel; three distinguished lawyers from the African-American community: James Wynn and James Beatty of North Carolina, and Elan Kagen; and other nominees with equally outstanding credentials, such as Kent Markus of Ohio and Allen Snyder of the District of Columbia.

I would like to take just a little bit of time to pay our colleagues, our Republican counterparts, the courtesy of making sure that this request for unanimous consent for immediate action on Bush nominees is OK with them, including the anonymous Republican Senators who held up votes on Clinton nominees such as Bonnie Campbell, Judge Margaret Morrow, and many of the circuit court nominees who languished for years without ever receiving even a vote in committee.

The deep concern now expressed about vacancies was oddly silent when the minority—then the majority—was blocking more than 50 judicial nominees.

Some Republicans held these seats open for years for another President to fill. That President is President Bush. They wanted to save these seats for a Republican President. Maybe some thought these would be judicial activists for their agenda and would tilt the balance of numbers on these circuit courts to give Republican appointees a majority, with the hope of winning through these activists what they were not been able to win at the ballot box.

One of the people for whom I have the greatest respect—he is my friend, he has great Nevada roots, and he has all kinds of family in Nevada—is Karl

Rove, a close confidant of the President. He has given speeches to conservative groups talking about he wants what he refers to as conservative judges. He has a right to say that. But that is why Chairman LEAHY has an obligation to look and make sure these people are qualified and that they have more credentials than just simply being conservative.

Advice and consent does not mean giving the President carte blanche to pack the courts. The committee's evaluation of nominees is a critical part of the checks and balances of our democratic Government that does not give the power to make lifetime appointments to one person alone to remake the courts along narrow ideological lines, to pack the courts with judges whose views are outside of the mainstream, and whose decisions would further divide our Nation.

President Bush has singled out Justice Scalia and Justice Thomas, the Supreme Court's most conservative Judges, as model Judges. Well, isn't it interesting he would do that. He has chosen Scalia and Thomas as model Judges. I wonder if that had anything to do with the decision they made dealing with Florida when they, in effect—there are not only articles written—lots of those—but there are books written of how Scalia steamrolled the other Judges. And Scalia elected George Bush President. Well, no wonder he thinks he is a model judge. I think if he selected me as President, as he did President Bush, I would also probably think he was a model.

The committee is acting responsibly. The Judiciary Committee, led by PAT LEAHY, is acting responsibly in its consideration and scheduling of nominees. We would be able to move more expeditiously on nominees if the White House were acting in a bipartisan way, by nominating more consensus nominees to these lifetime judgeships, conferring with the Judiciary Committee, conferring with home State Senators.

Even with the partisanship of the White House and the Republicans, Senator LEAHY's Judiciary Committee has had more confirmations of circuit court nominees in less than 10 months than were confirmed in a similar period for Presidents Reagan, Clinton, and the first President Bush.

Nine circuit court judges—consensus nominees—have been confirmed in less than 10 months. This is more confirmations of circuit nominees of President George W. Bush than in the first 10 months of the Reagan, Bush I, and Clinton administrations combined.

We also have the best pace of confirmation in recent history. The Democratic-led Senate is averaging 5 confirmations per month, as compared with 1.6 per month during Bush I, and 3.1 per month and 3.6 per month for President Clinton and President Reagan, even though they had Senate majorities from their own party.

So that is why I have objected to these motions. Chairman LEAHY and the Senate Judiciary Committee should be commended for reforming the process and practices used during the 6½ years of Republican leadership. We are holding more hearings for more nominees than in the recent past. We have moved away from the anonymous holds that so dominated the process from 1996 through 2000. We have made home State Senators' blue slips public for the first time.

The Democratic leadership and Majority Leader DASCHLE should be commended and not attacked with these unfair claims and motions.

Mr. President, I apologize to my friends, especially the Senator from Michigan, whom I know wishes to address the Senate. I also apologize and extend my deep appreciation to the Senator from Florida for his usual courtesy in remaining in the chair so the Senator from Michigan can speak. I am personally very grateful to the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I indicate to our leader from Nevada that he is certainly welcome to take whatever time is necessary to talk about this very important issue and to set the record straight. I very much appreciate the Senator being able to do that in such articulate terms so that it is very clear that we, in fact, are moving ahead in a way that, frankly, has been unheard of when we have had a President of one party and the Senate majority of another party in terms of confirming judges.

So I certainly associate myself with the Senator's comments and very much appreciate his advocacy.

PRESCRIPTION DRUGS

Mr. President, I rise this evening to speak about an issue that is incredibly important. It is probably one of the most important challenges facing our families today; and that is the question of the cost of prescription drugs.

I cannot think of a more important issue facing older Americans, who, on average, use 18 different medications in a year, or a more important issue facing families, who, for example, may have a disabled child, or a more important issue for anyone who is struggling and does not have coverage under their insurance policy for prescription drugs.

We know that right now, even as we are at the dinner hour on a Tuesday evening, there are seniors who are sitting down at their kitchen table and deciding: Do I eat supper or do I take my medicine?

We are the greatest country in the world. I say shame on us for our inability to address this issue and to have a Medicare prescription drug plan that lowers the costs for everyone. This is an issue that now touches every part of our economy.

Today, I met with the leadership of Michigan Blue Cross-Blue Shield. Yesterday, I met with people who are involved with hospitals and home health care agencies and nursing homes.

I meet with small business owners who cannot afford to keep their insurance for their employees because the costs are going up 30 percent, 40 percent a year, and the majority of that is the uncontrolled costs of prescription drugs. I meet with the big three automakers, and I hear the same thing.

These costs are out of control. There is no accountability, and it affects every part of our economy and the lives of too many Americans.

So I rise this evening to ask our colleagues on the other side of the aisle, and to ask the President of the United States, to join with us in a serious effort—not words, not efforts that look as if they do something on paper but do not really solve the problem—but to join with us in a serious effort to provide a comprehensive prescription drug benefit under Medicare that is long overdue, and to join with us in a number of issues and a number of strategies to lower the costs of prescription drugs for every American.

I find it extremely frustrating, when we know that American taxpayers underwrite much of the research—certainly the initial basic research through the National Institutes of Health for new prescription drugs, new technologies, new cures—and I certainly support that. I support the fact that we allow research tax credits and deductions. And taxpayers subsidize those efforts as well. It is important for us.

But I am very frustrated that after we have patents that are given for 15 years, 20 years, to companies to recoup their costs, when they do not have to have competition, we create a way for them to come up with these new, wonderful drugs that are lifesaving, and yet, at the end of the line, Americans pay more than anyone in the world—and that is not an exaggeration—for those drugs. If someone is uninsured, Heaven help them—which the majority of seniors are in this country—because when they walk into the pharmacy, they are paying the highest prescription drug price of anyone in the world.

Tomorrow, we are going to start Older Americans Month. And I say again, shame on us for not addressing this issue in a comprehensive manner.

I ask my colleagues to join with us in a number of efforts. One, we want to make sure that generic drugs are more available and that we close loopholes that are now used by the companies to change patents or do other things that stop generics from coming on the market even though it is the same—a very comparable drug—at a dramatically reduced price. We certainly have legislation right now in the Senate which Senator SCHUMER and Senator MCCAIN have put forward that needs to be addressed.

We also need to do something about the explosion of advertising. Since the FDA changed the rules a number of years ago on direct consumer advertising, I daresay you can't turn on your

television set in any 5-minute increment and not see at least one advertisement for a prescription drug. They are nice ads. Many of them are very pretty. But we pay a heavy price for that advertising.

We also pay a heavy price for the promotions that are going on in the doctors' offices and all of the effort that goes into this question of advertising rather than putting the money into research for more lifesaving drugs.

We want to address that in the Senate, and we ask our colleagues to join with us to stop this spiraling situation where right now there is twice as much being spent on advertising in this country, advertising and promotion of prescription drugs, than on research to create new lifesaving drugs. We intend to put forward proposals to do that in the next week.

I specifically wish to talk for a moment about S. 2244, an effort my colleague from North Dakota, Senator DORGAN, and many of us have joined in to provide another way of creating cost savings; that is, to open the border to Canada. I find it ironic that at the time we are creating open trade, fast track, a trade bill on the floor of the Senate, we have in place walls at the border of Canada. And coming from Michigan, where it is 5 minutes across the bridge, 5 minutes across the tunnel, this is a very real wall where we are told, based on legislation passed back in the 1980s, that even though you can get your medications made in America, FDA approved, safe drugs, my citizens in Michigan or those from Florida or anyone cannot go 5 minutes across that Ambassador Bridge or that tunnel and lower their cost because of a law that was put in place to protect our companies from competition.

We believe, those of us who have put forward S. 2244, that the wall needs to come down. If we are going to talk about open trade, we should not close trade. We should not be allowing lack of competition on prescription drugs. If we did that, we could see amazing changes immediately. It would not cost money other than probably a small amount as it relates to the FDA. We are not talking about any large sum of money to be able to open the borders and immediately we could lower costs 40 percent, 50 percent or more.

I took two different bus trips to Canada to demonstrate, as other colleagues have, the cost differences, working with the Canadian Medical Society, going through a Canadian physician and a Canadian pharmacy to demonstrate the differences in the prices for prescription drugs. I wanted to share with you some of those differences.

Zocor is a drug for high cholesterol. In Michigan, it is $109 a month for the prescription; it is $46.17 in Canada—$109 versus $46.

Even more dramatic is Tamoxifen. We had women on our bus trip with breast cancer. In Michigan, they are paying $136.50 a month for Tamoxifen. In Canada, they purchased it for $15.92—$136 versus $15.

There is something seriously wrong when our citizens are having to pay such a large amount of money when compared to other countries, particularly our Canadian neighbor to the north, and at the same time they are having to juggle all of the other expenses in their life, and many people are not being able to purchase Tamoxifen or Zocor or Prilosec, all of the other drugs where there is such a disparity.

I invite colleagues tonight to join with us in supporting S. 2244, to become cosponsors, to join with us in an effort to say that we are going to open the borders; we are going to create competition; and we are going to make sure Americans who underwrite so much of the cost of the new medications being developed every day have the opportunity to get the very best price.

We need to do that. It is long overdue. From my perspective, there is no excuse at this time not to proceed to support this effort to open the border, to create new opportunities for generic drugs, to make sure we are addressing the high cost of advertising and to put some sense around that, and promoting research rather than more advertising. These are all items that need to happen, and they need to happen now.

My biggest concern is that we don't have the same sense of urgency in the Congress that I hear from my own family, from neighbors and constituents I represent in Michigan. This is not a theoretical debate. This is real. This is about whether or not people will be able to live longer because they can benefit from the medications being developed with the help of taxpayers or whether they are going to struggle every day to decide whether to eat, to pay the utility bill, or to get their medicines they so desperately need.

We can do better. Our older citizens, our families, our children, our businesses wanting to cover their employees for health care costs deserve better. We have an opportunity to do that in the Senate and to say to everyone: We have really done something that will make a difference in the lives of the people we represent. I suggest the time is now.

I yield the floor.

(Ms. STABENOW assumed the chair.)

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I wanted to echo the eloquent comments the Presiding Officer, speaking in her capacity as the Senator from Michigan, has spoken about, a problem that is so rampant today.

Medicare was designed 37 years ago in 1965. Think of the condition of health care at that time. It was centered around acute care in hospitals. Thus, as we designed the system which would be a health insurance system for senior citizens to assist with medical expenses, what were most of the medical expenses? In 1965, they were expenses that were attendant to hospital care and physician services that often occurred in and around the hospital. Medicare Part B was set up for additional expenditures, primarily physician expenditures. That has served our senior citizens so very well, as a health insurance system at the time that they knew they needed health care, when, as we get older, things don't quite work as they did when we were 21.

Over that 37 years we have had these wonderful, I call them, miracles of modern medicine that have occurred through technology, through research, through the ingenuity of American enterprise. And as a result, we now have a health care system that produces prescription drugs that can often cure our ailments when compared with the state of medical care 37 years ago.

I talk about that little bit of history to follow the comments of the Senator from Michigan because it is instructive for us as to why we need to modernize the Medicare system 37 years later and now provide a prescription drug benefit.

There is no question in the State of Florida, with our abundance of wonderful, vibrant senior citizens, that people want Medicare modernized with a prescription drug benefit. Clearly, in the election of 2000, I talked about it, and I know both of the candidates for President talked about it in the State of Florida—indeed, they had signed up to the idea that we were going to be spending—then the figure was $300 billion to $350 billion over a 10-year period. That is what was thought to be the expenditures to give a fairly substantial Federal Government investment for providing prescription drugs to those who were eligible as senior citizens under Medicare. And here we are, a year and a half after that election, and we still have not enacted it.

The administration has come forth with a proposal for $190 billion over 10 years. That is not going to cut it because that is not what was promised. With the explosion of the cost of prescription drugs, the cost of that prescription drug benefit over the next decade might well be in excess of the $300 billion to $350 billion that we talked about during the campaign of 2000. So we ought to be addressing it here.

In the meantime, the Senator from Michigan has pointed out other ways that we can start addressing the cost of prescription drugs. Why could we not address a system by which we could suddenly pool the various needs and start buying in bulk and, therefore, bring down the cost per unit? That is a common economic principle. So as we approach a discussion of whether we are talking about trade or whether we are talking about judicial appointments, we need to constantly remind people about the promises and the expectations in the election for President in the year 2000, and those statements were very clear in the State of Florida,

which became so critical for the outcome of the election.

ANDEAN TRADE

Madam President, since we are on the trade bill, I want to make a few comments about a tremendous dilemma that I have with regard to this trade bill. I am a free trader. I am for free and fair trade. That has basically been the kind of voting record that I have had in the last year and a half. I believe that a State such as my State, Florida, which is so affected by being not only a microcosm of America but now so much of a microcosm of the Western Hemisphere, will benefit economically by free and fair trade.

The dilemma in which I find myself, as does my colleague—my senior colleague, wonderful colleague, Senator BOB GRAHAM—is that the very premier industry of Florida, the citrus industry, the very industry whose symbol graces all of our license plates on our vehicles in Florida—the Florida orange—is threatened if we don't take action on an amendment in this bill.

What I have said is that I support free and fair trade. What we find is that, with the concentrated, frozen orange juice production, the country of Brazil has 50 percent of the world consumption of concentrated orange juice. Florida has 40 percent of the world's production, and that is primarily servicing the needs of the domestic market in the United States, a large part of which has been created as a result of the advertising over the last five decades by the Florida Citrus Commission, so that now orange juice is a regular staple of the diet at the breakfast table in America each morning. So it is 50 percent Brazil, 40 percent Florida, and the remaining 10 percent is spread throughout the rest of the planet.

The problem is that it is not free and fair trade if Brazil is allowed to undercut because of Brazil growers colluding into a cartel, undercutting the price of Florida, and dumping additional product on to the market. If there is not tariff protection for the Florida citrus industry, Brazil will be participating not in free and fair trade, but Brazil will have taken over the market and they will have a monopoly. A monopoly is exactly what we want to get away from in global economic markets. We want the crosscurrents of economic competition to bring the best product at the lowest price. That is not what is going to happen.

So the dilemma that my senior colleague, Senator GRAHAM, and I find ourselves in is wanting to support the administration on the trade promotion authority or, as some people call it, the fast track, where the administration can negotiate the agreement without every little detail having to be approved, except when the final agreement has to come back to the Congress, which I think is a step in the right direction, and facing the Hobson's choice that if we do so without an amendment that would protect this industry from a monopoly from foreign shores, our major citrus industry would be facing a life or death choice.

Now, that is not an easy choice for this Senator. So I call to the attention of the Senate the fact that Senator GRAHAM and I will be offering an amendment that doesn't specifically just speak to Florida orange juice but says that if there is an order by the International Trade Commission against dumping by companies or by a country, or if there is a countervailing duty as a result of an order by the Department of Commerce because foreign competition is subsidized by a foreign government and therefore it is not free and fair trade—if there is an order from either one of those two, whatever the commodity is, the tariff cannot be reduced until 1 year after that order by the Department of Commerce, or that order by the International Trade Commission has been removed, because that noncompetitive practice has been eliminated by that foreign country or those foreign corporations.

In other words, if we want to have free and fair trade and there is an order that another country is not being free and fair, we are not going to put the American industry at the disadvantage of having the tariff lowered so that anticompetitive action in that foreign country, against which there is already an order, is not able to protect that industry in America.

I am not just talking about orange juice. I am talking about steel. I am talking about salmon production in the Northwest. I am talking about honey production in Montana. I am talking about any commodity where organizations such as the Department of Commerce or the International Trade Commission say there is anticompetitive behavior, and therefore there is an order against that anticompetitive behavior; if that order is in place, then you cannot reduce the tariff.

That seems to me common sense. Therefore, there is no reason the administration should not accept Senator GRAHAM's and my amendment. Yet they will not. Just today Senator GRAHAM and I talked to the Secretary of Commerce: Well, we will look at it. I understand. That is a polite way of saying: No, we do not agree.

I have talked to people about this amendment until I was blue in the face. I have talked to the chief lobbyist for the White House as to why this is so important to Florida, which happens to be important to this administration. I have talked to members of the Finance Committee to get them to understand why this is so important, not only to Florida but to other States with regard to steel, salmon, and beekeepers in their honey production.

The fact is, the administration thinks it has the votes. In fact, it thinks it is filibuster proof; that it has more than 60 votes for this trade bill. Therefore, there is no willingness to engage in a discussion with Senator GRAHAM, me, and others about adding this amendment, as they did so vigorously in the House when, several months ago, they passed the trade promotion authority bill by the razor thin margin of one vote.

I can tell you, Madam President, it will not only be tonight, but I will continue to speak until my face, to use an old southern expression, turns blue. I will continue to speak every opportunity I have as we go about considering this trade bill over the course of the next 2 to 3 weeks.

I hope there are folks in the White House who are listening. The State of Florida has a great deal at stake in this debate. It is not that we are asking for any special protection; we are asking for free and fair trade. We do not want another country to have a monopoly of a single product that is so very important to our State of Florida.

Madam President, neither you nor I expected to be here at this late hour, but it was an opportunity for us to say something that is very important to this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I rise to speak on the pending business, the trade promotion authority bill. I will be brief.

I believe I am the only Member of the Senate who has worked in the Trade Representative's office. In 1991, I had a wonderful experience as we were negotiating several major treaties at that time. Without qualification, for the United States to engage in more trade negotiations and more trade agreements is positive.

There will be sectors in the United States that have difficulty. That is why we have trade assistance provisions, to make those transitions better. But overall, for the U.S. consumers and the U.S. economy, trade promotion, reducing barriers and tariffs—and tariffs amount to nothing more than taxes; tariffs are taxes—this is a positive action for U.S. producers and U.S. consumers. Not that it is uniform for everybody, but for the overall economy this is positive. It has been positive and remains positive.

Narrowly for my State, the State of Kansas, where we have a lot of agricultural exports, where at least 1 out of 3 acres goes to the export market, the international market is a critical market for us. A lot of our livestock goes to the international marketplace. It is a very important part of our business.

Aviation is a main part of our industry. Much of that goes into the international marketplace as well.

This is positive. It is probably the best thing we can do at this time, on top of the tax cuts, to stimulate the U.S. economy, and expansion of our broad-band access is a third issue that can stimulate the overall economy. Trade is a key one. It is broadly supported in this body. It is not supported by everybody, but overall it has a strong base of support and that is because our economy is built on trade

and so much of our opportunities to expand this economy are built on trade. The trade needs to be both free and fair.

I hope we can get a strong vote for trade promotion authority to encourage the President to engage in substantial trade agreements with key trading partners of the United States so we can aggressively move our economy forward and out of the sluggish position and the negative growth we had last year and continue strong, positive growth.

I wish to talk narrowly about a particular provision I would like to see us take up, and I will be putting forward an amendment with regard to this issue, and that is expansion of trade in central Asia. I am referring to those countries known as the ''stans,'' that were under the Soviet Union—Kazakhstan; Uzbekistan became more familiar to us in the war on terrorism; Turkmenistan, Armenia, Azerbaijan, Kyrgyzstan, Tajikistan as well. We need to enter into permanent normal trade relations with these nations.

As we seek to engage them, as we seek to work closer with them in the battle on terrorism, as we seek to engage them internationally, particularly Kazakhstan on expanded oil production and gas production so we are not as dependent on the Middle East for oil, it is very important that we engage them in the area of permanent normal trade relations; that we are able to give to them the same status we give to virtually every country trading with the United States around the world.

They are key countries. They are key in the battle on terrorism, as we have already seen. They are key in our energy diversity. I am hoping we can get more of our energy production at home. That is what we debated over the last 5 weeks.

We also need to diversify our source of energy. One of the key areas to which we can go is Kazakhstan and also Azerbaijan. We need to have permanent normal trade relations to expand that energy supply and expand that energy exchange.

They want to grow with us. Some are trying to pull them into being a radicalized militant state against the United States. There are forces in several of these countries seeking to do that. One of the best things we can do with them is to broadly engage them economically.

We have the opportunity, but we do not have PNTR with these nations in the central Asian region. We do with Georgia, we do with Kyrgyzstan, but not the other countries I named.

I will be putting forward an amendment, hopefully with a number of cosponsors, that is going to be modeled after the Central Asian Trade Act of 2002. In this bill, we would like to bring up the issue of PNTR with these central Asian countries.

I hope my colleagues will look at this carefully, critically, and with an eye to what is best for this region and what is best for the United States.

In our battle on terrorism, it is best we be engaged with these countries. In our battle to diversify our energy sourcing, it is best we be engaged with these countries. For their stability in this region of the world long-term, it is best that we are engaged. One of the prerequisites for us being able to do that is PNTR.

I am quite hopeful we can take this up; that it will be a noncontroversial amendment; that it can be accepted, passed, and that we can move this on through so we can get PNTR for central Asia and we can start working so we are not engaged in this region militarily, pull out of the area, then we see more militant activity buildup and we have to go back in. Rather, let's be engaged in this region on a long-term basis so we do not have to go in episodically, with billions of dollars, and try to clean up a problem that evolved over a period of time.

This is one we can head off at the pass. We can deal with this, we should deal with this, and I am hopeful we are going to be able to take this amendment up on PNTR for central Asia during this debate.

I yield the floor.

Mr. WYDEN. Madam President, as the Senate debates the Andean Trade Preference Expansion Act, ATPEA, I wish to call attention to another issue vital to the long term success of the Andean nations in the world economy.

International arbitration was created in order to mitigate the risks of overseas investment due to political consideration and capricious changes that can affect legal institutions. It gives investors and sovereign nations an agreed-upon mechanism to resolve disputes. Arbitration is a key building block to attract foreign investment, promote modernized legal systems, and provide for the kind of legal economy that we are seeking to foster with this legislation.

For this reason, Congress stipulated in the recent Andean Trade Promotion Act, ATPA, that beneficiary countries were required to recognize as binding and enforce international arbitral awards in favor of U.S. citizens and companies. I am concerned that the U.S. Government has not done enough to ensure that one beneficiary in particular, Colombia, has lived up to this requirement. Before Congress passes new legislation on this matter, shouldn't we hold countries accountable for violating this criterion under the previous legislation?

Unfortunately, Colombia has a disturbing trend of disregarding binding arbitration rulings. The Colombian Government has refused to abide by rulings of arbitration tribunals that are unfavorable, launching aggressive campaigns to undermine arbitration. It has utilized the inefficiencies of its internal legal structures to avoid payment. This blatant disregard for arbitration harms companies that have already invested in Colombia, dissuades others from investing much needed capital, and violates the qualification criteria for ATPA and ATPEA.

In one case, a 22-month binding arbitration tribunal, agreed to by the Colombian Government, ruled that Colombia must pay $61 million due to what it defined as reprehensible behavior and breach of contract. Despite concerns raised by Members of Congress, the Colombian Government has refused to even discuss the issue with the American companies. The cost to the Colombia economy in lost international investment due to this lawless behavior may be greater than any aid that we can provide, and indeed, raises questions about U.S. aid.

For these reasons, I call on the President of the United States and the U.S. Trade Representative in particular to hold Colombia, and any other country that fails to uphold the qualification criteria for ATPEA, to the letter of the law under consideration today. The administration is seeking expanded trade benefits, but it should first require that Colombia implement the rulings of arbitration panels. To do otherwise would undermine the intended effect of this legislation in lifting these developing nations to the status newly industrial democracies governed by the rule of law.

Mr. ALLEN. Madam President, I rise today to address the House version of the Andean Trade Act (H.R. 3009). First, I strongly support fair and free trade. Second, I favor granting the President trade promotion authority. Third, I believe that certain improvements can be made to help workers who lose jobs due to international competition. And fourth, I do believe the current Andean Trade Act should be extended.

However, as currently drafted, this is an Act that could have an adverse impact on the people of Virginia. In particular, Southside Virginia has been especially hard hit the past few years by the loss of textile and apparel jobs. Textile manufacturers in the United States are finding it more difficult, if not impossible, to compete with the low cost of overseas labor and limited environmental protection laws.

We must fully consider the potential impact of this Andean Trade proposal rather than rush into a convoluted procedure for voting on unrelated, albeit important, issue. The men and women involved in the manufacturing and production of textile and apparel products are suffering. We need to find ways to help these individuals, not bring additional heartache. The House version of this bill unnecessarily increases the amount of non-U.S. yarn and fabric coming into our country. The existing law has been sufficiently beneficial.

The U.S. textile and apparel industry, which employs 1.4 million people and accounts for 8 percent of all workers in our country, has fallen on hard times. Over the past five years, the textile industry has lost about 180,000 jobs,

nearly one-third of the industry's workers. During this same time, there have been at least 220 textile plants that have closed their doors and ceased operations.

Last year alone, 116 mills closed in the United States. The workers at these locations lost their jobs as domestic producers struggled to compete with cheaply priced imports. As a matter of fact, almost 140,000 textile and apparel employees have lot their jobs in the last 15 months.

Just yesterday, DuPont Textiles and Interiors announced that it will be reducing its workforce by more than 2,000 employees worldwide. Unfortunately, 200 of those workers will be from Virginia.

Also in Virginia, we've lost Tultex, VF Imagewear, and Pluma. And, Burlington Industries in Pittsylvania County, which makes synthetic and wool products, has been forced to eliminate thousands of jobs.

As you know, the Andean nations are well known for their production of these products as well. Burlington and others will no doubt be impacted by the increase of products into our nation from these Andean countries.

My vote to oppose cloture is to take a stand for the right of Senators to fully consider the House version of this bill and offer amendments. As I have stated, I am a firm believer in free and fair trade agreements that will, on balance, benefit millions of Americans. But what has been happening in the textile and apparel industry is not desirable for the people of Virginia.

One aspect of trade is that some workers will almost inevitably have to move to other jobs. When workers are displaced, we must reasonably help ease the impacts of international competition. A bill I introduced last year, the Homestead Preservation Act (S. 1848) can assist these workers who have lost jobs due to international competition. This proposal would provide workers who have been displaced from their jobs because of international competition to become eligible for a secured loan so that they my continue making their mortgage payments on their home for up to one year while they find new employment.

In summation, I strongly support trade promotion authority to tear down tariffs and barriers to American products, goods and services. But trade promotion authority ought to be considered separately from the extension of the Andean Trade Act. I, nevertheless, look forward in the next few weeks to working with my colleagues to fully examine the House passed version of the Andean Trade Act and am hopeful that the Senate will pass a version that is not so harmful to U.S. textile jobs. My vote on procedure is to allow Senators the opportunity and right to calmly review, debate and revise the House passed version of the Andean trade bill without the confluence and distraction of other issues that should be addressed separately.

In the end, we need to pass three separate bills dealing with trade promotion authority, trade adjustment assistance, and the Andean Trade Act. Each of these measures should be accorded individual scrutiny, amendment and ultimate passage. Indeed, the tactic of merging these issues together can result in the House rejecting the most important of all three—trade promotion authority. This ploy to join all these items together can culminate in the unfortunate failure to pass any of these measures this year.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, what is now before the Senate?

The PRESIDING OFFICER. The motion to proceed to H.R. 3009.

Mr. REID. I ask unanimous consent that I be allowed to speak as in morning business and the time run against the 30 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM INSURANCE

Mr. REID. Madam President, I have used this illustration on other occasions—I hope not too many, but I know I have used it before—and the reason I do it is, for me, it is illustrative of what is taking place in the Senate.

When I was a little boy, I lived in a small town in southern Nevada. I had a brother who was 10 or 12 years older than I, and he got a job with Standard Stations one summer. That was a big deal for us. He was out of high school, and they transferred him to Las Vegas to be an assistant manager to a service station in Ask Fork, AZ. As a little boy, I never traveled anyplace, and he agreed to take his little brother to Ask Fork, AZ. Oh, I was excited about going there. I do not know how long he spent there, probably about a week or 10 days, but just the anticipation of the trip was really amazing because I had never been anyplace.

So I went to Ask Fork, AZ. It was a little railroad town in Arizona, very large compared to where I was raised, in Searchlight. When I arrived there, I learned my brother had a girlfriend. I thought he was going to be taking me every place, but he did not take me anyplace because he had this girl with whom he was involved.

He did take me to meet her little brother, who was about my age. So I spent a lot of time with him. I have never forgotten that because it was his house and they were his games and his equipment. Every game we started to play, I could beat him; it did not matter what it was. But I never won anything because he kept changing the rules so I could never win.

I went home, having seen a lot of the world, at least in my eyes—Ask Fork, AZ—having spent a week or 10 days with this boy about my age, and had never been victorious in anything because, I repeat, every time he would change the rules in the middle of the game anytime I was beginning to win.

I bring that to the attention of the Senate because that is what we have going on in the Senate now is the same kind of a deal with terrorism insurance. It does not matter what we do; it is not good enough. We start with this, we try that. Okay, that sounds good. We offer it in the form of a unanimous consent agreement. Well, that is not quite right; I think we had better change this. No, we cannot agree to allow you to bring that to the floor.

Weeks have gone by, and we now have no legislation in the Senate to deal with the serious problem the country is having. I will bet the Presiding Officer has had people call her and come to see her—realtors, people from banks and other financial institutions, insurance people, developers—saying: Senator, why have you not done something about terrorism insurance? My construction job cannot go forward. The insurance companies will not write me insurance.

They have come to me, and I have responded the way I think we all have: Well, this is something we should try to do something about.

Senator DASCHLE has been trying to get something to the Senate. He has worked with Senator DODD, he has worked with Senator HOLLINGS, he has worked with Senator SARBANES, and we have agreed to bring legislation to the floor. Last Thursday, I offered a unanimous consent agreement. I am not going to do that tonight—there is no one present for the minority—but I would like to, and I should. I would like to have them again object to the unanimous consent request to bring this legislation to the floor. We have also gone to the extreme. We first started out by saying: Why don't we have two amendments? They said: We want more than two. We said: How about four? Now we are at four amendments.

I cannot understand why we cannot do that. There is something about the bill that people do not like, have an up-or-down vote with an amendment.

We attempted to move the Dodd-Sarbanes-Schumer bill last December. There was no disagreement about the base bill, but over the amendments offered and the time to dispose of the amendments. On April 8, we tried to get another agreement to take up the legislation, and there was no objection to base text. The Republicans always agreed to the underlying Dodd-Sarbanes as the vehicle to bring to the floor. Now the objections are no longer about the number of amendments and the time agreements, but they are opposed to bringing it up.

A strange thing happened last June. The Democrats took control of the Senate. It is a slim margin, but we still have control of the Senate and we control the agenda. The minority might

not like that but that is the way it is. That is the rules of the Senate. Therefore, Senator DASCHLE has a right to determine what legislation is going to be brought forward. The majority leader determines what bills are brought to the floor. If the minority is opposed, they have a right to offer amendments and attempt to modify the text of the bill. When it comes to terrorism insurance, this does not seem acceptable.

I want the world to know—because I don't want anyone from Nevada to think I am doing anything to hold up this legislation, or that any Democrat is doing anything to hold up this legislation; we are not—we are ready to legislate on terrorism insurance. As I have said, we have offered to bring up the bill with four amendments on each side. It gives everybody an opportunity to make the changes they seek. They object to this. The legislation is must-pass legislation. We need to get it out of here and get it to conference.

The White House says publicly they desperately want us to do something. They should weigh in with the Republican Members of this Senate and help move something forward. Treasury Secretary O'Neill testified today that the lack of terrorism insurance could cost 1 percent, at least, to gross domestic product because major products will not get financing due to lack of insurance.

It is not just insurance companies increasing their policies or changing them. Banks are refusing to finance large projects because they lack insurance coverage. Policies are going through the roof or they are excluding terrorism from the coverage. This has a devastating effect on the economy, and it will get worse.

I encourage my friends on the other side of the aisle to review today's testimony from Secretary O'Neill before Senator BYRD and the Appropriations Committee. The time to act is now. We can take up this legislation and move it very quickly or we can continue to keep changing the rules in the middle of the game and wind up with nothing. That would be very bad for our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding we are in a period of morning business; is that right?

The PRESIDING OFFICER. Not yet.

MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate now proceed to a period of morning business, with Senators allowed to speak during that period for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

INVESTING IN STUDENTS

● Mr. BAUCUS. Mr. President, I rise today to respond to a recent recommendation by the Administration to end fixed-rate consolidations of federal student loans in order to address a $1.3 billion shortfall in Pell Grant funds.

I fully agree with the President that we need to fund the Pell Grant program. But, as a constituent of mine in Montana recently said, ''It makes no sense to rob Peter to pay Pell.'' Pell Grants are just one of the federal government's efforts to help students afford the rising costs of a college education. Moreover, Pell Grants are only available to low-income students.

Importantly, the federal government offers a variety of student aid, often in the form of subsidized or low-interest loans, to extend help to low- and middle-income students and families that don't qualify for Pell Grants. In fact, many Pell Grant recipients must also apply for loans in order to meet their education costs. These loans offer hope to students as they seek the advanced education, exposure to new ideas, and acquisition of new skills they require to secure good paying jobs.

We need to be consistent in sending that message of hope to students. In fact, we need to be more vigilant in sending that message in states like Montana, where the average cost of attending a public university has increased by 228 percent for in-state students and 257 percent for non-residents over the past 10 years. Those increases mean larger student loans, larger student debt, and greater student sacrifice. And I am very concerned about the kind of sacrifices Montana students must make to pay back an $18,000 student loan in a state whose average per capita income barely surpasses $20,000.

Simply put, we need to do more to help students invest in themselves, not less. Offering a fixed-rate interest on consolidated loans helps students; eliminating that option places additional financial stress on students. Good common sense tells me that we can not close this door on our students.●

NATIONAL CHARTER SCHOOL WEEK

● Mr. GREGG. Mr. President, last Thursday I joined my colleagues, Senators LIEBERMAN, HUTCHINSON, CARPER and BAYH, in introducing S. Res. 254, a resolution to designate the week of April 29th through May 2, 2002 as National Charter Schools Week. This year marks the 10th Anniversary of the opening of the nation's first charter school in Minnesota. In the last ten years, we have come a long way since that auspicious moment when one teacher collaborating with parents started a school specifically designed to meet the needs of the students in the community.

Today, we have well over 2,000 charter schools serving approximately 579,000 students. Charter schools are immensely popular: two-thirds of them report having waiting lists, and there are currently enough students on waiting lists to fill another 1,000 charter schools.

Charter schools are popular for a variety of reasons. They are generally free from the burdensome regulations and policies that govern traditional public schools. They are founded by principals, teachers and parents who share a common vision on education. Perhaps most importantly, charter schools are held accountable for student performance.

Since each charter school represents the unique vision of its founders, these schools vary greatly.

For example, in South Central Los Angeles, two former union teachers founded the Accelerated School, a charter school designed to serve students from the community. Students attending the school outperform students from neighboring schools. In fact, student performance at the Accelerated School exceeds district-wide average performance levels. Originally a K–8th grade school, the founders are now planning on adding a high school.

In Petoskey, Michigan, the Concord Academy provides an arts-focused curriculum that infuses the arts into the overall curriculum. The school has a 100 percent graduation rate which exceeds the graduation rate for the suburbs. The Concord Academy also spends an average of $2,500 less per student than traditional public schools. Like many charter schools, they are getting greater results using less money.

These are but a handful of the success stories in the charter school movement.

I expect that we will see the popularity of charter schools continue to grow. Last year, the President signed into law the No Child Left Behind Act, which gives parents in low-performing schools the option to transfer to another public school. The Act also provides school districts with the option of converting low-performing schools into charter schools. I believe these provisions will strengthen the charter school movement by creating more opportunities for charter school development. And, as parents exercise their right to school choice, the call for charters schools will grow.

I commend all those involved in the charter school movement. They have led the charge in education reform and have started a revolution. A recent study found that charter schools have had a positive impact on school districts. Districts with a large number of charter schools reported becoming more customer service oriented, creating new education programs, many of

which are similar to those offered by charter schools, and increasing contact with parents.

I encourage my colleagues to visit a charter school this week to witness firsthand the ways in which these innovative schools are making a difference, both in the lives of the students they serve as well as in the community in which they reside.●

● Mr. HUTCHINSON. Mr. President, I rise in support of Senate Resolution 254, which designates April 29 through May 3, 2002, as ''National Charter Schools Week,'' and was passed by unanimous consent on April 25, 2002. I am an original cosponsor of this resolution with Senators LIEBERMAN, GREGG, and CARPER, and I am proud to support our Nation's charter schools and highlight their impact on effective school reform across the country.

Charter schools are laboratories of reform and excellence. By allowing increased flexibility and autonomy, charter schools are able to implement new ideas, while still being held to high standards. Charter schools are also public schools, and must serve disadvantaged students and students with disabilities, often doing so with increased success. Studies have shown a link between increased student achievement and enrollment in charter schools. Most importantly, parents and communities are satisfied with charter schools, evidenced by two-thirds of charter schools having waiting lists.

The charter school movement continues to move forward as more and more states have passed laws authorizing charter schools. My home state of Arkansas is in the early stages of implementation, with six charter schools open at the beginning of the 2001 school year.

With the passage of the No Child Left Behind Act earlier this year and our continued support for charter schools across the country, we are saying to our parents, teachers, and students that our efforts are focused on increased academic achievement for all children. I hope that the charter school movement continues to grow and spurs innovation and reform to strengthen our nation's public school system.●

CONGRATULATING THE UNIVERSITY OF WISCONSIN-MADISON'S DAILY CARDINAL ON ITS 110TH ANNIVERSARY

● Mr. FEINGOLD. Mr. President, I am pleased to congratulate the University of Wisconsin-Madison's Daily Cardinal newspaper on its 110th year of independent publication. As a proud UW alumnus, I can attest to the Cardinal's tradition of public service and exceptional journalism.

Since 1892, student journalists at The Cardinal have gained valuable reporting experience while covering some of the country's most important news, from the declaration of war in 1941 to the events of September 11. The Cardinal's achievements have been recognized by the Los Angeles Times and Associated Collegiate Press and the Society of Professional Journalists, who named The Cardinal's Election 2000 coverage the Nation's best. Their excellence is further evidenced by the accomplishments of outstanding alumni like CNN correspondent Jeff Greenfield and ESPN chief of correspondents Andy Katz.

The Daily Cardinal is a source of pride for UW-Madison students past and present, and the State of Wisconsin. I commend The Cardinal for its accomplishments and look forward to celebrating its future success.●

CONGRATULATIONS TO SCOTT HIGH SCHOOL

● Mr. BUNNING. Mr. President, I rise today to honor the 17 members of the Scott High School Science Olympiad team for winning this year's state Science Olympiad Tournament on April 20 at Western Kentucky University in Bowling Green, Kentucky. Next, the team will have the unique opportunity to compete in the national competition at the University of Delaware on May 18.

Throughout the state competition, the students had the chance to compete in a variety of events covering all areas of science including: biology, chemistry, physics, anatomy, and mathematics. Some of these events required projects to be built in advance and taken to the competition while others include laboratory testing and other more conventional means of testing. I firmly believe that this competition was an extremely beneficial experience for all involved. The students have acquired useful and applicable information on a variety of interesting and engaging subjects while learning the importance of teamwork and competition. In order for Kentucky to keep up with the rapid pace of the scientific community, students, like those at Scott High School, must possess the desire to learn in depth about such topics as mathematics, biology, physics, and be able to apply this knowledge outside of the classroom.

I once again congratulate the Scott High School Science Olympiad team for their state title and wish them the best of luck in the upcoming national competition. Their dedication and hard work has not gone unnoticed. I would like to thank each and every one of them for their hard work and determination.●

CELEBRATING OXNARD HARBOR DISTRICT'S 65TH ANNIVERSARY

● Mrs. BOXER. Mr. President, the Oxnard Harbor District's Annual National Maritime Day Celebration will be particularly special this year, as the event will also recognize the district's 65th Anniversary on May 10, 2002.

Created in 1937, the Oxnard Harbor District owns and operates the Port of Hueneme, located in Ventura County, CA. The port greatly contributes to the economic success of California and the nation. More than $4 million worth of cargo moves through the port each year. In addition, the Port of Hueneme is the nation's number one seaport for exporting citrus products and conducts business with countries including Brazil, Costa Rica, Ecuador, Germany and Japan. The Oxnard Harbor District has every reason to be proud of its outstanding accomplishments and contributions to our nation's great maritime heritage.

To help recognize the district's long history, this year's event will feature the SS *Lane Victory*, one of America's last remaining World War II Victory ships, and a National Historic Landmark. It loaded its first cargo consignment in Port Hueneme in July 1945.

To conclude, I would like to add a special word of commendation to the International Mariners Center, whose unwavering and unparalleled support has been instrumental to the Oxnard Harbor District's success.

I thank the Oxnard Harbor District for their many contributions to the community, State and Nation, and wish the staff many more years of prosperity.●

THE SCHOOL SERVICE ACT OF 2002

● Mr. SMITH of Oregon. Mr. President, yesterday I joined my colleagues, Senator EDWARDS and Senator CLINTON, in introducing the School Service Act of 2002. This legislation will offer new support to school districts across America that want to give their students the opportunity to learn through community service.

Service-learning is much more than just community service done by school students, it is a method of classroom instruction that engages a student's intellect through hands-on work outside the classroom that benefits the community at large. Research shows that students participating in service-learning make gains on achievement tests, complete their homework more often, and increase their grade point averages. Service-learning is also associated with both increased attendance and reduced dropout rates. It is clear to educators across the country that service-learning helps students feel more connected to their own education while strengthening their connection to their community as well.

Thousands of students across Oregon participate in formal service-learning, and nearly every student in Oregon engages in community service through their schoolwork at some point or another, they just don't know that it's called service-learning. The School Service Act will give local schools and school districts the resources they need to formalize their commitment to service-learning. Under this legislation, school districts are eligible to apply for grants if they choose to make meaningful community service a requirement for graduation. It is my hope that

schools will take advantage of this funding opportunity, and give their students the chance to experience the benefits of an education tied to community service.

My own State of Oregon is a national leader in service-learning, and I hope that this bill will help schools in my state continue their commitment to reclaiming the public purpose of education. I also hope that the School Service Act will encourage the further spread of service-learning across America, because I believe that it will improve education and, perhaps as important, instill students with an ethic of public service that will stay with them throughout their lives.●

VOTE EXPLANATION

● Mrs. CARNAHAN. Mr. President, early Sunday morning there were horrible tornadoes that killed a young child, injured many others and caused extensive damage throughout Marble Hill and other communities in southern Missouri. I believed it was important to visit the affected communities on Monday to comfort them and lend support. I regret that due to scheduling difficulties, I could not return to Washington in time for the vote on the motion to proceed to the Andean Trade Act.●

COLONEL DERRELL B. JEFFORDS, USAF

● Mr. MCCAIN. Mr. President, I rise today to honor a great American patriot, Colonel Derrell B. Jeffords, USAF. As a young man, Colonel Jeffords knew that he wanted to serve his country in the military, dreaming of becoming an Air Force pilot. He began to realize his goals in June of 1944, when he graduated from the United States Army Air Force Cadet Flying School. Over the next 22 years of dedicated service, he distinguished himself not only as a skilled pilot, but also as an outstanding leader. After tours at 12 different bases in 20 years he answered his nation's call once more. In October of 1965, Colonel Jeffords reported to Vietnam for what would turn out to be his final deployment. On Christmas Eve 1965, just as President Johnson announced a week long bombing halt in North Vietnam, Colonel Jeffords' family received the painful telegram declaring him Missing in Action. His family learned that while on an armed reconnaissance mission, just south of Ban Bac, Laos, Colonel Jeffords' C–47 ''Spooky'' had been shot down.

Deryl Jeffords was only 13 years old when her father was shot down. She was forced to remember him through the letters that he wrote from Vietnam. Those letters never reflected any sign of fear, resentment or anger at being in Vietnam. To Colonel Jeffords, it was not a duty to serve in Vietnam, it was an honor. I was recently contacted by Ms. Jeffords, who told me about her father's life. Moved by the heroic story of Colonel Jeffords, I felt it necessary to rise on the floor of the United States Senate, to give her father the respect, honor, dedication and recognition that he so richly deserves from our country. Colonel Jeffords is an American hero, who fought for all citizens, so that we could keep the freedom that we enjoy today.

Colonel Jeffords will always be in the heart and soul of his family that he left behind. None of us should ever forget Colonel Derrell B. Jeffords, for he represents the very heart of what our country stands for. God Bless him.●

LOCAL LAW ENFORCEMENT ACT OF 2001

● Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 27, 1993 in Queens, NY. A gay man was beaten by two teenagers yelling anti-gay slurs. Junior Guerrero, 18, and Michael Ithier, 19, were arrested in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

TRIBUTE TO THE NASHUA HIGH SCHOOL AP GOVERNMENT CLASS

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Tarin Lafrance and her Nashua Senior High School AP government class. The class was chosen to represent the State of New Hampshire in the ''We the People . . .'' national competition. Nashua will compete against other States in analyzing and interpreting the Constitution of the United States as it applies in everyday life.

As a former schoolteacher, I commend Tarin Lafrance and the entire class for their hard work in this competition. The students' dedication is evident as shown through their strong commitment to excellence in education. I applaud their efforts and innovative interpretations of the Constitution. In working to gain a better understanding of our democratic Republic, the class studied the historical background of the Constitution, the three branches of government, judicial review, the Bill of Rights, and the Constitution as it applies in today's society. So much of our Nation's history revolves around the Constitution, and more importantly, this document serves as the foundation of all our Government's decisions. Nashua's commitment to education is a positive example for the Granite State.

I commend all members of the class and wish them continued success as they travel to Washington, DC, to showcase their presentation. Good luck to Julie dePointbriand, Beth Drolet, Jennifer Dube, Brendan Farrell, Kyle Gilbertson, Laurie Gorham, Ariella Green, Kelly Hogan, Jerry Hopkins, Sarah Janowitz, Zach Janowski, Michael Kiser, Candice LeCourt, Fariha Mahmud, Holly Masek, Jennifer McDonald, Lisa Minich, Linnea Sanderson, Lauren Schneider, Stephen Schuler, Katie Staab, and Heather Zimmerman. Go Panthers! It is an honor to represent you in the Senate.●

TRIBUTE TO LAURIE L. CHANDLER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Laurie L. Chandler, senior vice president of Fleet's Private Clients Group. Laurie has been named New Hampshire's Women in Business Advocate of the Year by the Small Business Administration of the United States.

Laurie's 20 years of experience in the financial services industry have been indispensable to the women in New Hampshire's small business community. Along with serving her current position at Fleet, Laurie developed and administered the Women Building Wealth Program of Fleet. The program, which consists of monthly informal seminars for business women, has been crucial to those within New Hampshire. Laurie's time mentoring women has been above and beyond any call of duty. She has been credited with consistently going the extra mile for businesswomen to succeed and always extending herself within the business community.

I commend Laurie for her continued dedication to the women in New Hampshire's business community. Her actions set a positive example for the Granite State. Her commitment and business savvy are well respected and admired amongst her peers and are exemplified by her position within the Fleet organization. I look forward to seeing more of Laurie Chandler within our business community and wish her continued success. It is an honor to represent you in the Senate.●

TRIBUTE TO JERRY MILLER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Jerry Miller of Hampton. Jerry has been chosen as the New Hampshire Business Journalist of the Year by the Small Business Administration of the United States. Jerry serves as a correspondent for the Union Leader and New Hampshire Sunday News for the Portsmouth and Seacoast regions of the State.

Jerry has worked tirelessly to report on New Hampshire's small businesses for the past 12 years, covering issues

including Pease Air Force Base and the Portsmouth Naval Shipyard. His career has been long and distinguished in both print and broadcast journalism, reporting on hundreds of issues each year. His dedication to the readers of New Hampshire is evident in the stories he writes; I commend him on success. As Jerry so humbly stated, ''I have never tired of covering business in the Granite State, where the entrepreneurial spirit is alive and well. It's a spirit I've seen every day in the men and women who take the risks associated with businesses and job creation, so that they and others may enjoy their perceptions of the American dream.'' This further exemplifies why he was such a deserving candidate for this award.

I applaud Jerry on receiving this award and wish him continued success in keeping New Hampshire well informed. His commitment to small business is a positive example for the State and I look forward to reading Jerry's next article. It is an honor to represent you in the Senate.●

TRIBUTE TO PETER F. BURGER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Mr. Peter F. Burger of Concord. Peter was recently named New Hampshire's Special District Advocate of the Year by the U.S. Small Business Administration. Currently practicing with the law firm of Orr & Reno, Peter's exemplary contribution to the small business community over the year made him the likely recipient of this award.

I applaud Peter's commitment to the International Trade Resource Center of Portsmouth. He has made time over the past decade to volunteer his services and expertise to the center, teaching classes and taking clients on a pro bono basis. Peter's time spent volunteering has been crucial to the center's clients. Without his contributions, the ITRC would not have been able to offer competitive and complete services to New Hampshire's small businesses.

New Hampshire's small business community is privileged to have such a dedicated member of their community. Peter has generously volunteered his time advising on numerous issues including trademark protection and licensing, contract issues related to e-commerce, financing, and mergers and acquisitions. Without the competitive edge ITRC and Peter offer to our State's small businesses, they would be at a disadvantage to their competition. I commend Peter on his dedication to the Granite State. It is an honor to represent you in the Senate.●

TRIBUTE TO GT EQUIPMENT TECHNOLOGIES, INC.

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to GT Equipment Technologies, Inc of Nashua, which has been chosen as New Hampshire's Small Business Exporter of the Year by the Small Business Administration of the United States.

GTi began in 1994 as a two person home-based operation and has grown into an 80 employee firm with this year's projected annual sales of $30 million. As one of New Hampshire's great export success stories, GTi has gained national recognition and numerous business awards. In 1997 GTi was designated one of Entrepreneur Magazine's top 100 fastest growing companies, as well as the president and CEO Kedar P. Gupta being named Entrepreneur of the Year. Along with numerous entrepreneurial awards for both Kedar and the executive vice-president Jonathan A. Talbott, GTi received NASA's Commitment to Excellence award of 1998 and Deloitte & Touche's 2000 list of the top 50 fastest growing technology companies. I applaud the dedication and hard work that Jonathan and Kedar have shown in the rise of their company. They have set a positive example of the risk and reward associated with starting and owning a small business for the Granite State.

As a former small business owner, I can appreciate the efforts required to have a successful business, and I wish GTi continued success in the coming years. As Jonathan so humbly stated, ''As a company we strive to meet and exceed the expectations of our customers, and that's the key to our success. This award is really our employees, for their hard work, dedication, and long hours.'' It is an honor to represent you in the Senate.●

TRIBUTE TO LAURA L. MONICA

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Laura L. Monica, New Hampshire's Small Business Person of the Year by the U.S. Small Business Administration. Laura is currently president and owner of the Bow based company, High Point Communications Group.

I applaud Laura's determination and hard work in making High Point one of New Hampshire's successful small businesses. As a former small business owner, I understand the amount of energy that starting and running your own business requires. Laura started as a one woman team and has taken her company to a nine-person staff, with revenues exceeding $2.2 million. Laura followed her dream of changing and evolving the typical ''public relations'' model into a new strategic communications model designed specifically for businesses.

By reaching out and taking risks, Laura was able to make her dream of innovative and creative strategic communications a reality. I commend her business savvy and exceptional work ethic in the field of public relations. She has brought High Point to a higher level of work productivity and created a company which is able to compete with corporations. I will continue to work hard to protect New Hampshire's small businesses as I am assured that Laura Monica will continue to work hard in putting High Point on the map. With High Point being named as one of the ''Top Ten Best Companies To Work for in New Hampshire'' by NH Business Magazine, we can be sure to see even more great things from Laura Monica and her team at High Point Communications. I wish her continued success in years to come, it is an honor to represent you in the Senate.●

TRIBUTE TO ROBERT G. CARON

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Mr. Robert G. Caron of Rye. Robert was named New Hampshire's SCORE Counselor of the Year by the U.S. Small Business Administration. His outstanding service to the Portsmouth Service Corps of Retired Executives made him the perfect candidate for this year's award.

I applaud his continued service and commitment to New Hampshire's small business community. His dedication to helping his fellow Granite Staters is exemplary. In his fourth year as a SCORE member, Robert is considered to be one of the most active counselors in the organization. Using his experience as the former senior vice president and CEO of an international chemical manufacturing company, he is able to effectively use his expertise in general management, marketing, profit and working capital improvement, strategic thinking and financial reporting.

The business savvy that Robert brings to New Hampshire's small business community is to be commended. His continued service to the Granite State is a positive example for others. Robert so humbly stated, ''I'm grateful that SCORE has given me the opportunity to use my skills to help others in our community.'' New Hampshire is also grateful. It is an honor to represent you in the Senate.●

MESSAGE FROM THE HOUSE

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 2248. An act to extend the authority of the Export-Import Bank until May 31, 2002.

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2001, the following enrolled bill, previously signed by the Speaker of the House, was signed subsequently by the Acting President pro tempore (Mr. NELSON of Nebraska).

S. 2248. An act to extend the authority of the Export-Import Bank until May 31, 2002.

MEASURE HELD AT THE DESK

The following concurrent resolution was ordered held at the desk by unanimous consent:

S. Con. Res. 103. Concurrent resolution supporting the goals and ideals of National Better Hearing and Speech Month, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6618. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the report of an Average Procurement Unit Cost (APUC) breach; to the Committee on Armed Services.

EC–6619. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' (WV–088–FOR) received on April 26, 2002; to the Committee on Energy and Natural Resources.

EC–6620. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled Final Rules—10 CFR Part 35, ''Medical Use of Byproduct Materials,'' 10 CFR Part 20, ''Standards for Protection Against Radiation,'' and 10 CFR Part 32, ''Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material'' (RIN3150–AF74) received on April 26, 2002; to the Committee on Environment and Public Works.

EC–6621. A communication from the Vice Chairman of the Export-Import Bank, transmitting, a report relative to a transaction involving U.S. exports to Israel; to the Committee on Banking, Housing, and Urban Affairs.

EC–6622. A communication from the Vice Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Malaysia; to the Committee on Banking, Housing, and Urban Affairs.

EC–6623. A communication from the Vice Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Austria; to the Committee on Banking, Housing, and Urban Affairs.

EC–6624. A communication from the Administrator, Dairy Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Upper Midwest Marketing Area—Interim Order'' (Doc. No. DA–01–03; AO–361–A35) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6625. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2002–2003 Marketing Year'' (Doc. No. FV02–985–1FR) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6626. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Increased Assessment Rate'' (Doc. No. FV02–932–1 FIR) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6627. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, et al.; Increased Assessment Rates'' (Doc. No. FV02–930–2FR) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6628. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grapes Grown in a Designated Area of Southeastern California ; Revision to Container and Pack Requirements'' (Doc. No. FV02–925–2 IFR) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6629. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker Quarantined Areas; Technical Amendment'' (Doc. No. 01–079–3) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6630. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Steam Treatment of Golden Nematode-Infested Farm Equipment, Construction Equipment, and Containers'' (Doc. No. 01–050–2) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6631. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Limited Ports of Entry for Pet Birds, Performing or Theatrical Birds, and Poultry and Poultry Products'' (Doc. No. 01–121–2) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6632. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Texas (Splenetic) Fever in Cattle; Incorporation by Reference'' (Doc. No. 01–110–1) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6633. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Gypsy Moth Generally Infested Areas'' (Doc. No. 01–049–2) received on April 29, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6634. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the 2000 Annual Report of the National Institution of Justice (NIJ); to the Committee on the Judiciary.

EC–6635. A communication from the Acting Attorney General, Department of Justice, transmitting, pursuant to law, a report relative to the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

EC–6636. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the Untied States; to the Committee on the Judiciary.

EC–6637. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–6638. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–6639. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN (for himself, Mr. ALLEN, Mr. HOLLINGS, Mrs. BOXER, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. NELSON of Nebraska, and Mr. DORGAN):

S. 2395. A bill to prevent and punish counterfeiting and copyright piracy, and for other purposes; to the Committee on the Judiciary.

By Mr. CARPER:

S. 2396. A bill to suspend temporarily the duty on prodiamine technical; to the Committee on Finance.

By Mr. CARPER:

S. 2397. A bill to suspend temporarily the duty on thiamethoxam technical; to the Committee on Finance.

By Mr. CARPER:

S. 2398. A bill to suspend temporarily the duty on mixtures of fluazinam; to the Committee on Finance.

By Mr. CARPER:

S. 2399. A bill to suspend temporarily the duty on benzyl carbazate; to the Committee on Finance.

By Mr. CARPER:

S. 2400. A bill to suspend temporarily the duty on esfenvalerate technical; to the Committee on Finance.

By Mr. CARPER:

S. 2401. A bill to suspend temporarily the duty on triflusulfuron methyl formulated product; to the Committee on Finance.

By Mr. CARPER:

S. 2402. A bill to suspend temporarily the duty on Avaunt and Steward; to the Committee on Finance.

By Mr. CARPER:

S. 2403. A bill to suspend temporarily the duty on 50% Homopolymer, 3-(dimethylamino) propyl amide, dimethyl sulfate-quaternized 50% polyricinoleic acid; to the Committee on Finance.

By Mr. CARPER:

S. 2404. A bill to suspend temporarily the duty on black CPW stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4-amino-4 or 2-hydroxylphenyl)azo] phenyl]amino]-3-sulfophenyl]azo]-5-hydroxy-6-(phenylazo)-trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2405. A bill to suspend temporarily the duty on fast black 287 NA paste, 1,3-

benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl) azo]-1-naphthalenyl]azo]-, trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2406. A bill to suspend temporarily the duty on fast black 287 NA liquid feed, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]az o]-, trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2407. A bill to suspend temporarily the duty on fast yellow 2 stage, 1,3-benzenedicarboxylic acid, 5,5'-[[6-(4-morpholinyl)-1,3,5-triazine-2,4-diyl]bis(imino-4,1-phenyleneazo)]bis-, ammonium/sodium/hydrogen salt; to the Committee on Finance.

By Mr. CARPER:

S. 2408. A bill to suspend temporarily the duty on cyan 1 RO feed, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2409. A bill to suspend temporarily the duty on cyan 1 stage, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives. Tetra methyl ammonium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2410. A bill to suspend temporarily the duty on cyan 1 OF stage, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulf derivatives, sodium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2411. A bill to suspend temporarily the duty on cyan 9075 stage, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2412. A bill to suspend temporarily the duty on yellow 1 stage, 1,5-naphthalenedisulfonic acid, 3 ,3'-[[6-[(2-hydroxyethyl)amino]-1,3,5-triazine-2 ,4-diyl]bis[imino(2-methyl-4,1-phenylene)azo]]bis-, tetrasodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2413. A bill to suspend temporarily the duty on yellow 1 G stage, benzenesulfonic acid, 3,3'-[carbonylbis[imino(3-methoxy-4 ,1-phenylene)azo]]bis-, disodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2414. A bill to suspend temporarily the duty on yellow 746 stage, 1,3- bipyridirium, 3-carboxy-5'-[(2-carboxy-4-sulfophenyl)azo]-1,2', dihydro-6'-hydroxy-4'-methyl-2'-oxo, inner salt, lithium/sodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2415. A bill to suspend temporarily the duty on black SCR stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4 -amino-4 or 2-hydroxyphenyl)azo]phenyl]amino]-3-sulfophenyl] axo]-5-hydroxy-6-(phenylazo)-trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2416. A bill to suspend temporarily the duty on magenta 3B-OA stage, 2-[[4-chloro-6[[8-hydroxy-3 ,6-disulphonate-7-[(1-sulpho-2-naphthalenyl) azo]-1-naphthalenyl] amino]-1,3,5-triazin-2-yl]amino]-5-sulphobenzoic acid, sodium/lithium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2417. A bill to suspend temporarily the duty on yellow 577 stage, 5-(4-[4-[4-(4 ,8-disulfonaphthalen-2-ylazo)-phenylamino]-6-(2-sulfoethylamino)-[1,3 ,5]triazin-2-ylamino]phenylazo)isophthalic acid/sodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2418. A bill to suspend temporarily the duty on cyan 485/4 stage, copper, [29H,31H-phthalocyaninato (2-)-xN29,xN30,xN31 ,xN32]-aminosylfonyl [(2-hydroxy-ethyl)amino] sulfonyl sulfo derivatives, sodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2419. A bill to suspend temporarily the duty on R118118 Salt; to the Committee on Finance.

By Mr. CARPER:

S. 2420. A bill to suspend temporarily the duty on NSMBA; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. DOMENICI):

S. 2421. A bill to amend section 402A of the Higher Education Act of 1965 to define the terms different campus and different population; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2422. A bill to suspend temporarily the duty on low expansion laboratory glass; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2423. A bill to suspend temporarily the duty on low expansion laboratory glass; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2424. A bill to suspend temporarily the duty on low expansion laboratory glass; to the Committee on Finance.

By Mr. BAYH (for himself and Mr. BROWNBACK):

S. 2425. A bill to prohibit United States assistance and commercial arms exports to countries and entities supporting international terrorism; to the Committee on Foreign Relations.

By Mr. SCHUMER:

S. 2426. A bill to increase security for United States ports, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 2427. A bill to require the National Institutes of Mental Health and the Human Resources and Services Administration to award grants to prevent and treat depression; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. HOLLINGS, Mr . STEVENS, Mr. BREAUX, Mr. MURKOWSKI, Mr. SARBANES, Mr. REED, and Mr. FEINGOLD):

S. 2428. A bill to amend the National Sea Grant College Program Act; to the Committee on Commerce, Science, and Transportation.

By Mr. HUTCHINSON (for himself, Mr. CRAIG, Mr. ENZI, Mr. GREGG, Mr. HAGEL, Mr. INHOFE, and Mr. SMITH of New Hampshire):

S. 2429. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction from certain expenses in connection with the determination, collection, or refund of any tax; to the Committee on Finance.

By Mr. BREAUX (for himself, Mr. NICKLES, Mr. CLELAND, Mr. BROWNBACK, Mr. MILLER, Mrs. HUTCHISON, and Mr. HUTCHINSON):

S. 2430. A bill to provide for parity in regulatory treatment of broadband services providers and of broadband access services providers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. HATCH, Ms. STABENOW, Mr. REID, Mrs. BOXER, Mr. KENNEDY, Mr. CLELAND, Ms. CANTWELL, Mr. WYDEN, Mr. THOMAS, Mr. BINGAMAN, Mr. DOMENICI, Mr. JEFFORDS, Mrs. MURRAY, Mr. ROBERTS, Mr. FEINGOLD, Mr. HELMS, Mr. SARBANES, and Mr. AKAKA):

S. Res. 255. A resolution to designate the week beginning May 5, 2002, as ''National Correctional Officers and Employees Week''; to the Committee on the Judiciary.

By Mr. LOTT:

S. Res. 256. A resolution making Minority party appointments for the Special Committee on Aging for the 107th Congress; considered and agreed to.

By Mr. BYRD:

S. Res. 257. A resolution expressing the gratitude of the United States Senate for the service of Suzanne D. Pearson to the Office of Legislative Counsel; considered and agreed to.

By Mrs. CLINTON (for herself, Mr. CAMPBELL, Mr. DEWINE, Mr. EDWARDS, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEVIN, Mrs. MURRAY, Mr. ROCKEFELLER, and Mr. TORRICELLI):

S. Con. Res. 103. A concurrent resolution supporting the goals and ideals of National Better Hearing and Speech Month, and for other purposes; ordered held at the desk.

ADDITIONAL COSPONSORS

S. 839

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the Medicare Program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

At the request of Mrs. HUTCHISON, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 839, supra.

S. 913

At the request of Ms. SNOWE, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of all oral anticancer drugs.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1194

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1194, a bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State

and local controls over the flow of municipal solid waste, and for other purposes.

S. 1339

At the request of Mr. CAMPBELL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1644

At the request of Mr. CAMPBELL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 1917

At the request of Mr. JEFFORDS, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. 1998

At the request of Mr. ENSIGN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1998, a bill to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

S. 2194

At the request of Mr. MCCONNELL, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Alabama (Mr. SESSIONS), and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2200

At the request of Mr. BAUCUS, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. CLELAND), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2200, a bill to amend the Internal Revenue Code of 1986 to clarify that the parsonage allowance exclusion is limited to the fair rental value of the property.

S. 2210

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2210, a bill to amend the International Financial Institutions Act to provide for modification of the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative.

S. 2215

At the request of Mrs. BOXER, the names of the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. SCHUMER), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2384

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2384, a bill to establish a joint United States-Canada customs inspection project.

S. RES. 247

At the request of Mr. LIEBERMAN, the names of the Senator from Montana (Mr. BAUCUS), the Senator from California (Mrs. BOXER), the Senator from Iowa (Mr. HARKIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Rhode Island (Mr. REED), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 247, a resolution expressing solidarity with Israel in its fight against terrorism.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. ALLEN, Mr. HOLLINGS, Mrs. BOXER, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. NELSON of Nebraska, and Mr. DORGAN):

S. 2395. A bill to prevent and punish counterfeiting and copyright piracy, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the Anticounterfeiting Amendments of 2002, along with Senators ALLEN, HOLLINGS, BOXER, MURRAY, SMITH of Oregon, NELSON of Nebraska, and DORGAN.

In February of this year, I held a hearing entitled, ''Theft of American Intellectual Property: Fighting Crime Abroad and At Home,'' and I issued a report on the status of our fight against this crime.

What I learned is that every day, thieves steal millions of dollars of American intellectual property from its rightful owners. Over a hundred thousand American jobs are lost as a result.

American innovation and creativity need to be protected by our government no less than our personal property, our homes and our streets. The Founding Fathers had the foresight to provide for protection of intellectual property, giving Congress the power to ''promote the progress of science and useful arts'' by providing copyrights and patents.

American intellectual property represents the largest single sector of the American economy, employing 4.3 million Americans. It has been estimated that software piracy alone cost the U.S. economy over 118,000 jobs and $5.7 billion in wage losses in the year 2000. Even more, the International Planning and Research Corporation estimates that the government loses more than a billion dollars worth of revenue every year from intellectual property theft.

To put that in perspective, with a billion dollars in additional revenue, the American government could pay for child care services for more than 100,000 children annually. Alternatively, $1 billion could be used to fund a Senate proposal to assist schools nationally with emergency school renovations and repairs.

There's another problem. Counterfeiters of software, music CDs and motion pictures are now tampering with authentication features. Holograms, certificates of authenticity, and other security features allow the copyright owners to distinguish genuine works from counterfeits. But now, highly sophisticated counterfeiters have found ways to tamper with these features to make counterfeit products appear genuine and to increase the selling price of genuine products and licenses. Put another way, not only do crooks illegally copy American intellectual property, they also now illegally fake or steal the very features property owners use to prevent that theft.

Copyrights mean nothing if government authorities fail to enforce the protections they provide intellectual property owners. The criminal code has not kept up with the counterfeiting operations of today's high-tech pirates, and it's time to make sure that it does. The Anticounterfeiting Amendments of 2002 update and strengthen the Federal criminal code, which currently makes it a crime to traffic in counterfeit labels or copies of certain forms of intellectual property, but not authentication features. For example, we can currently prosecute someone for trafficking in fake labels for a computer program, but we cannot go after them for faking the hologram that the software maker uses to ensure that copies of the software are genuine.

In addition, many actions that violate current law go unprosecuted in this day and age when priorities, such as the fight against terrorism and life-threatening crimes, necessarily take priority over crimes of property, be they intellectual or physical. Moreover, the victims of this theft often do not have a way to recover their losses from this crime. For this reason, the Anticounterfeiting Amendments of 2002 also provide a private cause of action, to permit the victims of these crimes to pursue the criminals themselves and recover damages in federal court.

Current law criminalizes trafficking in counterfeit documentation and packaging, but only for software programs. The Anticounterfeiting Amendments of 2002 update and expand these provisions to include documentation and packaging for phonorecords, motion pictures and other audiovisual works.

America is a place where we must encourage diverse ideas, and with that encouragement we must protect those ideas. They are the source of our music, our art, our novels, our movies, our software, all that is American culture and American know-how. The

Anticounterfeting Amendments of 2002 give our ideas the protection they deserve.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Anticounterfeiting Amendments of 2002''.

SEC. 2. FINDINGS.

Congress finds that—

(1) American innovation, and the protection of that innovation by the government, has been a critical component of the economic growth of this Nation throughout the history of the Nation;

(2) copyright-based industries represent one of the most valuable economic assets of this country, contributing over 5 percent of the gross domestic product of the United States and creating significant job growth and tax revenues;

(3) the American intellectual property sector employs approximately 4,300,000 people, representing over 3 percent of total United States employment;

(4) the proliferation of organized criminal counterfeiting enterprises threatens the economic growth of United States copyright industries;

(5) the American intellectual property sector has invested millions of dollars to develop highly sophisticated authentication features that assist consumers and law enforcement in distinguishing genuine intellectual property products and packaging from counterfeits;

(6) in order to thwart these industry efforts, counterfeiters traffic in, and tamper with, genuine authentication features, for example, by obtaining genuine authentication features through illicit means and then commingling these features with counterfeit software or packaging;

(7) Federal law does not provide adequate civil and criminal remedies to combat tampering activities that directly facilitate counterfeiting crimes; and

(8) in order to strengthen Federal enforcement against counterfeiting of copyrighted works, Congress must enact legislation that—

(A) prohibits trafficking in, and tampering with, authentication features of copyrighted works; and

(B) permits aggrieved parties an appropriate civil cause of action.

SEC. 3. PROHIBITION AGAINST TRAFFICKING IN ILLICIT AUTHENTICATION FEATURES.

(a) IN GENERAL.—Section 2318 of title 18, United States Code, is amended—

(1) by striking the heading and inserting ''TRAFFICKING IN COUNTERFEIT LABELS, ILLICIT AUTHENTICATION FEATURES, OR COUNTERFEIT DOCUMENTATION OR PACKAGING'';

(2) by striking subsection (a) and inserting the following:

''(a) Whoever, in any of the circumstances described in subsection (c), knowingly traffics in—

''(1) a counterfeit label affixed to, or designed to be affixed to—

''(A) a phonorecord;

''(B) a copy of a computer program;

''(C) a copy of a motion picture or other audiovisual work; or

''(D) documentation or packaging;

''(2) an illicit authentication feature affixed to or embedded in, or designed to be affixed to or embedded in—

''(A) a phonorecord;

''(B) a copy of a computer program;

''(C) a copy of a motion picture or other audiovisual work; or

''(D) documentation or packaging; or

''(3) counterfeit documentation or packaging,

shall be fined under this title or imprisoned for not more than 5 years, or both.'';

(3) in subsection (b)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3)—

(i) by striking ''and 'audiovisual work' have'' and inserting the following: '', 'audiovisual work', and 'copyright owner' have''; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(4) the term 'authentication feature' means any hologram, watermark, certification, symbol, code, image, sequence of numbers or letters, or other physical feature that either individually or in combination with another feature is used by the respective copyright owner to verify that a phonorecord, a copy of a computer program, a copy of a motion picture or other audiovisual work, or documentation or packaging is not counterfeit or otherwise infringing of any copyright;

''(5) the term 'documentation or packaging' means documentation or packaging for a phonorecord, copy of a computer program, or copy of a motion picture or other audiovisual work; and

''(6) the term 'illicit authentication feature' means an authentication feature, that—

''(A) without the authorization of the respective copyright owner has been tampered with or altered so as to facilitate the reproduction or distribution of—

''(i) a phonorecord;

''(ii) a copy of a computer program;

''(iii) a copy of a motion picture or other audiovisual work; or

''(iv) documentation or packaging;

in violation of the rights of the copyright owner under title 17;

''(B) is genuine, but has been distributed, or is intended for distribution, without the authorization of the respective copyright owner; or

''(C) appears to be genuine, but is not.'';

(4) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

''(3) the counterfeit label or illicit authentication feature is affixed to, is embedded in, or encloses, or is designed to be affixed to, to be embedded in, or to enclose—

''(A) a phonorecord of a copyrighted sound recording;

''(B) a copy of a copyrighted computer program;

''(C) a copy of a copyrighted motion picture or other audiovisual work; or

''(D) documentation or packaging; or''; and

(B) in paragraph (4), by striking ''for a computer program'';

(5) in subsection (d)—

(A) by inserting ''or illicit authentication features'' after ''counterfeit labels'' each place it appears;

(B) by inserting ''or illicit authentication features'' after ''such labels''; and

(C) by inserting before the period at the end the following: '', and of any equipment, device, or materials used to manufacture, reproduce, or assemble the counterfeit labels or illicit authentication features''; and

(6) by adding at the end the following:

''(f) CIVIL REMEDIES FOR VIOLATION.—

''(1) IN GENERAL.—Any copyright owner who is injured by a violation of this section or is threatened with injury, may bring a civil action in an appropriate United States district court.

''(2) DISCRETION OF COURT.—In any action brought under paragraph (1), the court—

''(A) may grant 1 or more temporary or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain violations of this section;

''(B) at any time while the action is pending, may order the impounding, on such terms as the court determines to be reasonable, of any article that is in the custody or control of the alleged violator and that the court has reasonable cause to believe was involved in a violation of this section; and

''(C) may award to the injured party—

''(i) reasonable attorney fees and costs; and

''(ii)(I) actual damages and any additional profits of the violator, as provided by paragraph (3); or

''(II) statutory damages, as provided by paragraph (4).

''(3) ACTUAL DAMAGES AND PROFITS.—

''(A) IN GENERAL.—The injured party is entitled to recover—

''(i) the actual damages suffered by the injured party as a result of a violation of this section, as provided by subparagraph (B); and

''(ii) any profits of the violator that are attributable to a violation of this section and are not taken into account in computing the actual damages.

''(B) CALCULATION OF DAMAGES.—The court shall calculate actual damages by multiplying—

''(i) the value of the phonorecords or copies to which counterfeit labels, illicit authentication features, or counterfeit documentation or packaging were affixed or embedded, or designed to be affixed or embedded; by

''(ii) the number of phonorecords or copies to which counterfeit labels, illicit authentication features, or counterfeit documentation or packaging were affixed or embedded, or designed to be affixed or embedded,

unless such calculation would underestimate the actual harm suffered by the copyright owner.

''(C) DEFINITION.—For purposes of this paragraph, the term 'value of the phonorecord or copy' means—

''(i) the retail value of an authorized phonorecord of a copyrighted sound recording;

''(ii) the retail value of an authorized copy of a copyrighted computer program; or

''(iii) the retail value of a copy of a copyrighted motion picture or other audiovisual work.

''(4) STATUTORY DAMAGES.—The injured party may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for each violation of this section in a sum of not less than $2,500 or more than $25,000, as the court considers appropriate.

''(5) SUBSEQUENT VIOLATION.—The court may increase an award of damages under this subsection by 3 times the amount that would otherwise be awarded, as the court considers appropriate, if the court finds that a person has subsequently violated this section within 3 years after a final judgment was entered against that person for a violation of this section.

''(6) LIMITATION ON ACTIONS.—A civil action may not be commenced under this section unless it is commenced within 3 years after the date on which the claimant discovers the violation.

''(g) OTHER RIGHTS NOT AFFECTED.—Nothing in this section shall enlarge, diminish, or otherwise affect liability under section 1201 or 1202 of title 17.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The item relating to section 2318 in the table of sections at the beginning of chapter 113 of title 18, United States Code, is amended by inserting ''or illicit authentication features'' after ''counterfeit labels''.

By Mr. CARPER:

S. 2396. A bill to suspend temporarily the duty on prodiamine technical; to the Committee on Finance.

By Mr. CARPER:

S. 2397. A bill to suspend temporarily the duty on thiamethoxam technical; to the Committee on Finance.

By Mr. CARPER:

S. 2398. A bill to suspend temporarily the duty on fluazinam; to the Committee on Finance.

By Mr. CARPER:

S. 2399. A bill to suspend temporarily the duty on benzyl carbazate; to the Committee on Finance.

By Mr. CARPER:

S. 2400. A bill to suspend temporarily the duty on esfenvalerate technical; to the Committee on Finance.

By Mr. CARPER:

S. 2401. A bill to suspend temporarily the duty on triflusulfuron methyl formulated product; to the Committee on Finance.

By Mr. CARPER:

S. 2402. A bill to suspend temporarily the duty on Avaunt and Steward; to the Committee on Finance.

By Mr. CARPER:

S. 2403. A bill to suspend temporarily the duty on 50% Homopolymer, 3-(dimethylamino propyl amide, dimethyl sulfate-quaternized 50% polyricinoleic acid; to the Committee on Finance.

By Mr. CARPER:

S. 2404. A bill to suspend temporarily the duty on black CPW stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4-amino-4 or 2-hydroxylphenyl)azo] phenyl]amino]-3-sulfophenyl]azo]-5-hydroxy-6-(phenylazo)-trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2405. A bill to suspend temporarily the duty on fast black 287 paste, 1,3-benzenedicarboxylic acid 5-[[4[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl azo]-1-naphthalenyl]azo]-, trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2406. A bill to suspend temporarily the duty on fast black 287 NA liquid feed, 1, 3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl)azo]-, trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2407. A bill to suspend temporarily the duty on fast yellow 2 stage, 1, 3-benzenedicarboxylic acid 5,5′-[[6-(4-morpholinyl)-1, 3, 5-triazine-2,4-diyl]bis(im ino-4, 1-phenyleneazo)]bis-, ammonium/sodium/hydrogen salt; to the Committee on Finance.

By Mr. CARPER:

S. 2408. A bill to suspend temporarily the duty on cyan 1 RO feed, copper [29H, 31H-phthalocyaninato (2-) -N29,N30,N31,N32]-aminosulfonyl sulfo derivatives, sodium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2409. A bill to suspend temporarily the duty on cyan 1 stage, copper, [29H, 31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives. Tetra methyl ammonium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2410. A bill to suspend temporarily the duty on cyan 1 OF stage; copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2411. A bill to suspend temporarily the duty on cyan 9075 stage, copper [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2412. A bill to suspend temporarily the duty on yellow 1 stage, 1,5-naphthalenedisulfonic acid 3,3′-[[6-(2-hydroxyethy)amino]-1,3,5-triazine-2,4-diyl]bis[imino(2-methyl-4, 1-phenylene)az o]]bis-,tetrasodium salt, to the Committee on Finance.

By Mr. CARPER:

S. 2413. A bill to suspend temporarily the duty on yellow 1 G stage benzenesulfonic acid 3,3′-[carbonylbis[imino(3-methoxy-4, 1-phenylene)azo]]bis-, disodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2414. A bill to suspend temporarily the duty on yellow 746 state, 1,3-bipyridirium, 3-carboxy-5′-(2-carboxy-4-sulfophenyl)azo]-1,2′, dihydro-6′-hydroxy-4′-methyl-2′-oxo, inner salt, lithium/sodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2415. A bill to suspend temporarily the duty on black SCR stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[-4-[(2 or 4 -amino-4 or 2-hydroxphenyl)azo]phenyl]amino]-3-sulfophenyl] axo]-5-hydroxy-6-(phenylazo)-trisodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2416. A bill to suspend temporarily the duty on magenta 3B–OA stage, 2-[[4-chloro-6[[8-hydroxy-3,6-disulphonate-7-[(1-sulpho-2-naphthalenyl)azo]-1-naphthalenyl]amino]-1,3,5-triazin-2-yl]amino]-5-sulphobenzoic acid, sodium/lithium salts; to the Committee on Finance.

By Mr. CARPER:

S. 2417. A bill to suspend temporarily the duty on yellow 577 stage, 5-{4-[4-[4-(4,8-disulfonapthalen-2-ylazo)-phenylamino]-6-(2-sulfoethylamino)-[1,3,5]triazin-2-ylamino]phenylazo}isophthalic acid/sodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2418. A bill to suspend temporarily the duty on cyan 485/4 stage, copper [29H,31H-phthalocyaninato (2-)-xN29,xN30,xN31,xN32]-aminosylfonyl[(2-hydroxy-ethyl)amino] sulfonyl sulfo derivatives, sodium salt; to the Committee on Finance.

By Mr. CARPER:

S. 2419. A bill to suspend temporarily the duty on R118118 Salt; to the Committee on Finance.

By Mr. CARPER:

S. 2420. A bill to suspend temporarily the duty on NSMBA; to the Committee on Finance.

Mr. CARPER. Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRODIAMINE TECHNICAL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.35	Prodiamine technical - 1, 3-benzenediamine, 2,6-dinitro-N1,N1-dipropyl-4-(trifluoromethyl)- (CAS No. 29091–21–2) (provided in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2005	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THIAMETHOXAM TECHNICAL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.35	Thiamethoxam technical -4H-1,3,5-oxadiazin-4-imine, 3-[(2-chloro-5-thiazolyl] methylltetrahydro-5-methyl-N-nitro (CAS No. 153719–23–4) (provided in subheading 2934.10.20)	Free	No change	No change	On or before 12/31/2005	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MIXTURES OF FLUAZINAM.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.35	Fluazinam mixed with - 2-pyridinamine,3-chloro-N-[3-chloro-2,6-dinitro-4-(trifluoromethyl)phenyl]-5-(trifluoromethyl) (CAS No. 79622–59–6) (provided in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2005	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BENZYL CARBAZATE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in the numerical sequence the following new heading:

''	9902.29.48	Phenylmethyl hydrazinecarboxylate (CAS No. 5331–43–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESFENVALERATE TECHNICAL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in the numerical sequence the following new heading:

''	9902.29.49	(S)-Cyano (3-phenoxy-phenyl)- methyl (S)-4-chloro-α-(1-methyethyl)-benzeneacetate (CAS No. 66230–04–4) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.38.16	Mixtures of methyl 2-[[[[[4-(dimethylamino) -6-(2,2,2-trifluoroethoxy) -1,3,5-triazin-2-yl] -amino]carbonyl] amino]sulfonyl]-3-methylbenzoate (CAS No. 126535–15–7) and application adjuvants (provided for in subheading 3808.10.15)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVAUNT AND STEWARD.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.38.17	Mixtures of (S)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl) [4 (trifluoromethoxy) phenyl] amino]-carbonyl] indeno [1,2-e][1,3,4] oxadiazine-4a-(3H)-carboxylate (CAS Nos. 144171–61–9 and 173584–44–6) and application adjuvants (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2007	”.

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 50% HOMOPOLYMER, 3-(DIMETHYLAMINO) PROPYL AMIDE, DIMETHYL SULFATE-QUATERNIZED 50% POLYRICINOLEIC ACID.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.38.34	50% homopolymer, 3-(dimethylamino) propyl amide, dimethyl sulfate-quaternized 50% polyricinoleic acid (provided for in subheading 3824.90.40.90)	Free	No change	No change	On or before 12/31/2007	”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BLACK CPW STAGE, 2,7-NAPHTHALENE DISULFONIC ACID, 4-AMINO-3-[[4-[[-4-[(2 OR 4 –AMINO-4 OR 2-HYDROXYPHENYL)AZO] PHENYL]AMINO]-3- SULFOPHENYL]AZO]-5-HYDROXY-6-(PHENYLAZO)-TRISODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.39.40	Black CPW stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4 –amino-4 or 2-hydroxyphenyl)azo] phenyl]amino]-3- sulfophenyl]azo]-5-hydroxy-6-(phenylazo)-trisodium salt. (CAS No. 85631–88–5) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FAST BLACK 287 NA PASTE, 1,3-BENZENEDICARBOXYLIC ACID, 5-[[4-[(7-AMINO-1-HYDROXY-3-SULFO-2-NAPHTHALENYL)AZO]-1-NAPHTHALENYL]AZO]-, TRISODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.39.35	Fast black 287 NA paste, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt. (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FAST BLACK 287 NA LIQUID FEED, 1,3-BENZENEDICARBOXYLIC ACID, 5-[[4-[(7-AMINO-1-HYDROXY-3-SULFO-2-NAPHTHALENYL)AZO]-1-NAPHTHALENYL]AZO]-, TRISODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.39.35	Fast black 287 NA liquid feed, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt. (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FAST YELLOW 2 STAGE, 1,3-BENZENEDICARBOXYLIC ACID, 5,5′-[[6-(4-MORPHOLINYL)-1,3,5-TRIAZINE-2,4-DIYL]BIS(IMINO-4,1-PHENYLENEAZO)]BIS-, AMMONIUM/SODIUM/HYDROGEN SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.39.36	Fast yellow 2 stage, 1,3-benzenedicarboxylic acid, 5,5′-[[6-(4-morpholinyl)-1,3,5-triazine-2,4-diyl]bis(imino-4,1-phenyleneazo)]bis-, ammonium/sodium/hydrogen salt. (CAS No. not available) (provided for in subheading 3215.19.00.60)	Free	No change	No change	On or before 12/31/2007	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CYAN 1 RO FEED, COPPER, [29H,31H-PHTHALOCYANINATO(2-)-N29,N30,N31,N32]-, AMINOSULFONYL SULFO DERIVATIVES, SODIUM SALTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.39.37	Cyan 1 RO feed, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts. (CAS No. 90295–11–7) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2007	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CYAN 1 STAGE, COPPER, [29H,31H- PHTHALOCYANINATO(2-)-N29,N30,N31,N32]-, AMINOSULFONYL SULFO DERIVATIVES. TETRA METHYL AMMONIUM SALTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.39.41	Cyan 1 stage, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives. Tetra methyl ammonium salts. (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CYAN 1 OF STAGE, COPPER, [29H,31H-PHTHALOCYANINATO(2-)-N29,N30,N31,N32]-, AMINOSULFONYL SULFO DERIVATIVES, SODIUM SALTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.39.42	Cyan 1 OF stage, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts. (CAS No. 90295–11–7) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2007	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CYAN 9075 STAGE, COPPER, [29H,31H-PHTHALOCYANINATO(2-)-N29,N30,N31,N32]-, AMINOSULFONYL SULFO DERIVATIVES, SODIUM SALTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.39.43	Cyan 9075 stage, copper, [29H,31H-phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives, sodium salts. (CAS No. 90295–11–7) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2007	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. YELLOW 1 STAGE, 1,5-NAPHTHALENEDISULFONIC ACID, 3,3′-[[6-[(2-HYDROXYETHYL)AMINO]-1,3,5-TRIAZINE-2,4-DIYL]BIS[IMINO(2-METHYL-4,1-PHENYLENE)AZO]]BIS-, TETRASODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.39	Yellow 1 stage, 1,5-naphthalenedisulfonic acid, 3,3′-[[6-[(2-hydroxyethyl)amino]-1,3,5-triazine-2,4-diyl]bis[imino(2-methyl-4,1-phenylene)azo]]bis-, tetrasodium salt. (CAS No. 50925–42–3 (confidential TSCA listing)) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. YELLOW 1 G STAGE, BENZENESULFONIC ACID, 3,3′-[CARBONYLBIS[IMINO(3-METHOXY-4,1-PHENYLENE)AZO]]BIS-, DISODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.38	Yellow 1 G stage, benzenesulfonic acid, 3,3′-[carbonylbis[imino(3-methoxy-4,1-phenylene)azo]]bis-, disodium salt. (CAS No. 10114–86–0) (provided for in subheading 3204.14.50)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. YELLOW 746 STAGE, 1,3-BIPYRIDIRIUM, 3-CARBOXY-5′-[(2-CARBOXY-4-SULFOPHENYL)AZO]-1′,2′, DIHYDRO-6′-HYDROXY-4′-METHYL-2′-OXO-, INNER SALT, LITHIUM/SODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.44	Yellow 746 stage, 1,3-bipyridirium, 3-carboxy-5′-[(2-carboxy-4-sulfophenyl)azo]-1′,2′, dihydro-6′-hydroxy-4′-methyl-2′-oxo-, inner salt, lithium/sodium salt. (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BLACK SCR STAGE, 2,7-NAPHTHALENE DISULFONIC ACID, 4-AMINO-3-[[4-[[4-[(2 OR 4 –AMINO-4 OR 2-HYDROXYPHENYL)AZO]*COM003*PHENYL]AMINO]-3-SULFOPHENYL] AZO]-5-HYDROXY-6-(PHENYLAZO)-TRISODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.47	Black SCR stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4 –amino-4 or 2-hydroxyphenyl)azo] phenyl]amino]-3-sulfophenyl] azo]-5-hydroxy-6-(phenylazo)-trisodium salt. (CAS No. 85631–88–5) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAGENTA 3B-OA STAGE, 2-[[4-CHLORO-6[[8-HYDROXY-3,6-DISULPHONATE-7-[(1-SULPHO-2-NAPHTHALENYL) AZO]-1-NAPHTHALENYL] AMINO]-1,3,5-TRIAZIN-2-YL]AMINO]-5-SULPHOBENZOIC ACID, SODIUM/LITHIUM SALTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.45	Magenta 3B-OA stage, 2-[[4-chloro-6[[8-hydroxy-3,6-disulphonate-7-[(1-sulpho-2-naphthalenyl) azo]-1-naphthalenyl] amino]-1,3,5-triazin-2-yl]amino]-5-sulphobenzoic acid, sodium/lithium salts. (CAS No. 12237–00–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. YELLOW 577 STAGE, 5-[4-[4-[4-(4,8-DISULFONAPHTHALEN-2-YLAZO)-PHENYLAMINO]-6-(2-SULFOETHYLAMINO)-[1,3,5]TRIAZIN-2-YLAMINO]PHENYLAZO]ISOPHTHALIC ACID/SODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.46	Yellow 577 stage, 5-{4-[4-[4-(4,8-disulfonaphthalen-2-ylazo)-phenylamino]-6-(2-sulfoethylamino)-[1,3,5]triazin-2-ylamino] phenylazo}isophthalic acid/sodium salt. (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CYAN 485/4 STAGE, COPPER, [29H,31H-PHTHALOCYANINATO (2-)– XN29,XN30,XN31,XN32]-AMINOSYLFONYL [(2-HYDROXYETHYL)AMINO] SULFONYL SULFO DERIVATIVES, SODIUM SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.48	Cyan 485/4 stage, copper, [29H,31H-phthalocyaninato (2-)–xN29,xN30, xN31,xN32] -aminosylfonyl [(2-hydroxyethyl)amino] sulfonyl sulfo derivatives, sodium salt. (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2007	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. R118118 SALT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.35	R118118 Salt - benzoic acid, 3-[2-chloro-4-(trifluoromethyl) phenoxy]-(CAS No. 63734–62–3) (provided in subheading 2918.90.20)	Free	No change	No change	On or before 12/31/2005	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NSMBA.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.39.35	NSMBA - Benzoic acid, 4-(methylsulfonyl)-2-nitro (CAS No. 110964–79–9) (provided in subheading 2916.39.45)	Free	No change	No change	On or before 12/31/2005	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. FEINGOLD (for himself and Mr. DOMENICI):

S. 2421. A bill to amend section 402A of the Higher Education Act of 1965 to define the terms different campus and different population; to the Committee of Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, I rise today with my colleague from New Mexico to introduce the TRIO Education Access Act of 2002, which will improve access to higher education by ensuring that these programs are available to all those in need.

While many students in my State benefit immensely from the TRIO programs, misguided regulations are preventing Wisconsin's two year colleges from receiving funds to begin more than one TRIO program for the entire State.

Many students today dream of going to college, but the things that can put college out of reach for some students don't always get the attention that they deserve. Students who face these additional barriers to higher education need a helping hand, and thanks to the TRIO Program, more students are getting the help they need.

The TRIO Program was so named because there were originally three programs, all of which had roots dating back to Lyndon Johnson's administration in the 1960s. Today TRIO consists of eight programs that offer vital advice and academic support to middle and high school students hoping to get into college, and it continues to offer that support to students after they enter college and begin working toward their diploma.

Many Federal education programs have come and gone, but the TRIO programs have not only survived, they've thrived and expanded to aid more than 10 million Americans.

In my home State of Wisconsin, many students at the University of Wisconsin's two-year colleges could reap tremendous benefits from the services the TRIO programs have to offer.

But today, because of the way that TRIO grants are structured, UW's 13 two-year colleges can only be considered for TRIO grants collectively, instead of applying for grants to serve each campus.

The Department of Education has ruled that the unique structure of the University of Wisconsin's two-year system, a centrally run system with 13 branch campuses, does not meet the criteria of having ''independent'' campuses.

This decision deeply concerns me, as the Federal Government is simply penalizing UWs' two-year colleges simply because of their administrative structure.

As a result of the Department of Education's decision, only one TRIO Program, the Student Support Services Program, is available to these two-year colleges. UW—Waukesha is home to a thriving Student Support Services Program, which offers students counseling and vital academic support and skills development.

But UW's two-year colleges deserve to have access to all the TRIO Programs available to four-year institutions, such as Upward Bound, Talent Search, and Educational Opportunity Centers.

In different ways, each of these programs has helped students break through difficult economic or physical circumstances to successfully enter and graduate from college. Students in the Upward Bound program are four times more likely to earn an undergraduate degree than those students from similar backgrounds who did not participate in TRIO.

Students in the TRIO Student Support Services program are more than twice as likely to remain in college than those students from similar backgrounds who did not participate in the program.

By discriminating against the unique structure of the University of Wisconsin's two year colleges, the Department of Education hurts the very population the TRIO Programs aim to serve.

That's why it's so important that the rules at the Department of Education be changed, so that Wisconsin's two-year colleges have the opportunity to apply individually for the TRIO grants they see fit.

By clarifying the ''Different Campus'' and ''Different Population of Participants'' in the TRIO regulations, this legislation makes UW's two-year colleges eligible for all the programs TRIO has to offer. No definition or regulation should get in the way of qualified Wisconsin students gaining access to TRIO programs and the chance to earn a college degree.

I have heard from many Wisconsinites who have shared their personal stories about how TRIO had made a difference in their lives. TRIO offers hope to millions of students across the country who dream of a college education, and students at the University of Wisconsin's two-year colleges should be no exception. Waukesha can be proud of the TRIO program that has served so many students at UW-Waukesha.

Now it's time to give UW-Waukesha, and other two-year colleges around my State, an opportunity to open more TRIO programs, and open the doors of higher education to more Wisconsin students.

I urge my colleagues to co-sponsor this legislation.

By Mr. BAYH (for himself and Mr. BROWNBACK):

S. 2425. A bill to prohibit United States assistance and commercial arms exports to countries and entities supporting international terrorism; to the Committee on Foreign Relations.

Mr. BAYH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''International Cooperative Antiterrorism Act of 2002''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The use of terrorism is detestable and an illegitimate means of political expression.

(2) International terrorist organizations pose a direct threat to the United States, and this threat is becoming more acute and more difficult to prevent.

(3) The threat from international terrorism is made far more dangerous by the proliferation of chemical, biological, and radiological weapons and the means to produce those weapons.

(4) The prosecution of the war against international terrorist organizations must continue until the threat they pose to the people and interests of the United States is eliminated.

(5) The United States can only win the war against terrorism if it receives cooperation from other countries and entities.

(6) Protecting the United States homeland and United States interests overseas from terrorism is of the highest priority in the foreign relations of the United States.

(7) Cooperation in the global war against international terrorism must be a primary focus of United States foreign relations, United States assistance, and international security relations.

(8) Winning the global war against international terrorism requires cooperation from the international community, especially in the areas of preventing the financing of terror, sharing information on international terror networks, eliminating terror cells, and in preventing the promotion of virulent anti-Americanism with the intent to incite violence and the glorification of terrorism in state-owned media and state-controlled schools.

(9) The promotion of terrorism, intolerance, and virulent anti-Americanism in state-owned media and state-controlled education systems is abhorrent and poses a long-term threat to the safety and security of the United States as well as the community of nations.

(10) All countries and entities must be encouraged to cooperate in the global war against international terrorism.

(11) Some foreign governments and entities are doing little to counter proterrorist and prointolerance messages to mass audiences, including to school age children.

(12) Countries providing direct or indirect assistance to international terrorist organizations undermine the direct security interests of the United States.

(13) Countries demonstrating indifference to or providing actual endorsement of international terror as a legitimate political tool make a direct threat to the security interests of the United States.

(14) United States economic assistance programs and the transfer of United States Munitions List items are a critical tool of United States foreign policy and winning the global war against international terrorism.

(15) Countries receiving United States assistance and the export of items on the United States Munitions List should be expected to support the global war against international terror.

(16) Several existing laws, including the USA Patriot Act of 2001, the Antiterrorism and Effective Death Penalty Act of 1996, the Foreign Assistance Act of 1961, the Arms Export Control Act, and the Export Administration Act of 1979 (or successor statute), prohibit the provision of United States assistance, and the licensing for export of items on the United States Munitions List, to countries supporting terror or not fully cooperating in antiterror efforts of the United States. It would be appropriate in the implementation of these laws to apply the definition of ''fully cooperative in the global war against international terrorism'' set forth in this Act, including preventing promotion of terror in state-owned and state-controlled media and educational systems.

SEC. 3. STATEMENT OF POLICY.

It shall be the policy of the United States that—

(1) no United States economic assistance, other than humanitarian assistance, may be provided to any foreign country or entity that is not making a maximum effort to be fully cooperative in the global war against international terrorism; and

(2) no license for export of an item on the United States Munitions List to a country or entity may be issued if that country or entity is not making a maximum effort to be fully cooperative in the global war against international terrorism.

SEC. 4. PROHIBITION ON UNITED STATES ECONOMIC ASSISTANCE AND COMMERCIAL ARMS EXPORTS.

(a) UNITED STATES ECONOMIC ASSISTANCE.—If the President determines that a country or entity is not making a maximum effort to be fully cooperative in the global war against international terrorism—

(1) no United States economic assistance may be provided to such country or entity; and

(2) the United States shall oppose and vote against any lending from any international financial institution, including the World Bank, the International Monetary Fund, the Asian Development Bank, or other related institutions to such country or entity.

(b) COMMERCIAL ARMS EXPORTS.—No license for the export of an item on the United States Munitions List to any country or entity may be issued if the President determines that such country or entity is not making a maximum effort to be fully cooperative in the global war against international terrorism.

SEC. 5. REQUIREMENT FOR AN ANNUAL REPORT.

(a) REQUIREMENT FOR REPORT.—The President, in consultation with the Secretary of State, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, and the Director of Central Intelligence, shall prepare an unclassified annual report that—

(1) contains a list of each country or entity for which the President has determined that there is credible evidence that such country or entity is not being fully cooperative in the global war against international terrorism under section 4; and

(2) describes for each country or entity listed under paragraph (1)—

(A) the specific failures of each country or entity to be fully cooperative in the global war against international terrorism;

(B) the reasons why such country or entity is not fully cooperative;

(C) the efforts being made by the United States Government to promote greater adherence by such countries or entities with the global war against international terrorism; and

(D) any removal of a country or entity from the list in paragraph (1).

(b) TRANSMISSION TO CONGRESS.—

(1) REPORT.—The report required by this section shall be submitted to Congress every year as a section of the annual country reports on terrorism required by section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656(f)).

(2) BRIEFING.—The President shall make the appropriate officials available to provide

a classified briefing to the appropriate committees of Congress if such committees request additional clarifying details on why a country or entity is listed under subsection (a)(1).

SEC. 6. PRESIDENTIAL WAIVER.

United States economic assistance or exports prohibited by section 4 may be provided to a country or entity described in that section if the President—

(1) determines that permitting such assistance or exports is important to the national security interests of the United States; and

(2) not later than 15 days before permitting such assistance or exports, furnishes a report describing the United States economic assistance or exports to be provided to the appropriate committees of Congress.

SEC. 7. DEFINITIONS.

In this Act:

(1) EXPRESSION OF SUPPORT FOR TERRORISM AGAINST THE UNITED STATES.—The term ''expression of support for terrorism against the United States'' means a pattern of actions or expressions that are designed to provoke or incite anti-American violence, advocate international terrorism, or to glorify the use of violence against citizens or government officials of the United States.

(2) FULLY COOPERATIVE IN THE GLOBAL WAR AGAINST INTERNATIONAL TERRORISM.—The term ''fully cooperative in the global war against international terrorism'' means a country or entity that has the necessary legal framework and, to the maximum extent possible, is enforcing efforts to—

(A) prevent the knowing financing of terrorism, including preventing—

(i) direct financial payments to any terrorist organization;

(ii) any terrorist organization or any entity supporting a terrorist organization from receiving financial services such as brokering, lending, or transferring currency or credit;

(iii) any person from soliciting funds or items of value for a terrorist group; and

(iv) any humanitarian or other nongovernmental organization from providing financial support to terrorist organizations;

(B) share intelligence information with the United States, including—

(i) releasing information to the United States related to any terrorist organization;

(ii) cooperating in investigations conducted by the United States; and

(iii) providing, to the extent possible, access to individuals suspected of or supporting terrorist organizations to United States investigators; and

(C) act against terrorist organizations, including—

(i) preventing terrorist organizations from committing or inciting to commit terrorist acts against the United States or its interests overseas;

(ii) preventing terrorist organizations from operating safe houses or providing transportation, communication, documentation, identification, weapons (including chemical, biological, or radiological weapons), explosives, or training to terrorists; and

(iii) in the cases of a country—

(I) investigating suspected terrorists within its national territory;

(II) enforcing international agreements and United Nations Security Council Resolutions against terrorism; and

(III) curbing any domestic expression of support for terrorism against the United States and its allies in state-owned media, state-sanctioned gatherings, state-governed religious institutions, and state-sanctioned school and textbooks.

(3) HUMANITARIAN ASSISTANCE.—The term ''humanitarian assistance'' means any humanitarian goods and services, including foodstuffs, medicines, and health assistance programs.

(4) TERRORIST ORGANIZATION.—The term ''terrorist organization'' means an organization designated as a foreign terrorist organization by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(5) UNITED STATES ECONOMIC ASSISTANCE.—The term ''United States economic assistance'' means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2, relating to the Overseas Private Investment Corporation);

(B) sales, or financing on any terms, under the Arms Export Control Act;

(C) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954;

(D) financing under the Export-Import Bank Act of 1945; and

(E) does not include humanitarian assistance or other assistance that is intended to support cooperative antiterrorism, peacekeeping, counter-narcotics, nonproliferation and counter-proliferation programs, or funding for nongovernmental organizations promoting education and democratic institutions.

(6) UNITED STATES MUNITIONS LIST.—The term ''United States Munitions List'' means the defense articles and defense services controlled by the President under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

By Mr. KERRY (for himself, Ms. SNOWE, Mr. HOLLINGS, Mr. STEVENS, Mr. BREAUX, Mr. MURKOWSKI, Mr. SARBANES, Mr. REED, and Mr. FEINGOLD):

S. 2428. A bill to amend the National Sea Grant College Program Act; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, I rise today to introduce with my colleagues, Ms. SNOWE, Mr. HOLLINGS, Mr. STEVENS, Mr. BREAUX, Mr. SARBANES, Mr. REED and Mr. FEINGOLD the National Sea Grant College Program Act Amendments of 2002, legislation to reauthorize the National Sea Grant College Program Act.

Congress established the Sea Grant program back in 1966. Since that time Sea Grant has provided the Administration and Congress a comprehensive vehicle that engages our best universities to respond to complex and changing ocean, coastal, and Great Lakes issues. The 31 Sea Grant programs, located in coastal and Great Lakes States and Puerto Rico, serve as the core of this dynamic national network of over 300 participating institutions involving more than 3,000 scientists, engineers, educators, students, and outreach experts.

Sea Grant's legislative charge is to ''increase the understanding, assessment, development, utilization, and conservation of the nation's ocean and coastal resources by providing assistance to promote a strong education base, responsive research and training activities, and broad and prompt dissemination of knowledge and techniques''. Sea Grant has consistently proven its value to taxpayers as a program that supports rigorous, high quality research that is directly responsive to the concerns of coastal constituents. The Sea Grant Program brings academic creativity and expertise to bear on a host of issues affecting the oceans, coasts and Great Lakes.

Most decisions that affect the coastal environment are made locally, and, through the Sea Grant Colleges, the federal government has the ability to partner with state and local constituencies to address national problems at state and local levels. Moreover, many coastal issues cross State jurisdictions and need to be addressed regionally. In addition to its state-based infrastructure, Sea Grant has developed a system of regional networks for organizing multi-state responses to regional/ecosystem-level problems.

The current administration proposed moving the Sea Grant program from the National Oceanic and Atmospheric Administration, NOAA, to the National Science Foundation, NSF. I do not support such a move. The Sea Grant program has been a success in NOAA and one has to wonder if something is not broke why should we fix it. This is obviously the case with Sea Grant and I see no reason why we should move the program from NOAA to NSF.

Allow me for a moment to point out one area where the Sea Grant/NOAA partnership is working. As Chairman of the Oceans, Fisheries and Atmosphere Subcommittee I know first-hand the struggles that commercial fishermen face as we try and rebuild our stocks. Sea Grant is currently working in coastal communities to better document the social and economic impacts of fishery regulations on communities, so that we can develop regulations that not only preserve and protect are valuable marine resources but also protect the fabric of our coastal communities. As you may know, the National Marine Fisheries Service is one of five line offices within NOAA, that is charged with regulating all of our domestic commercial fisheries. One thing that all of us from coastal states will agree on is the need to improve our knowledge of fishing communities and how regulations affect the lives of the people who live there.

A unique feature of the existing National Sea Grant College Program Act, which is maintained through this reauthorization bill, is that the majority of grants awarded require that every $2 of federal funds be matched by $1 of non-federal funds that are usually provided by host universities, as well as state or local governments, thus providing outstanding leverage as well as strong regional support for the federal funds awarded.

Because Sea Grant is non-regulatory and science-based, it serves as an ''honest broker'' among a wide range of constituents. In an age that emphasizes multi-disciplinary, goal-oriented, performance-measured partnerships, Sea Grant has demonstrated its capability to effectively deliver relevant science and services.

In short, Sea Grant offers numerous economic opportunities, problem-solving processes and programmatic efficiencies for the federal government to achieve its marine and coastal science agenda. Based on the Sea Grant College Program's remarkable capabilities, excellent track record, and cost effective use of federal funds, I ask for your support in quick passage of this reauthorization bill.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Sea Grant College Program Act Amendments of 2002''.

SEC. 2. AMENDMENTS TO FINDINGS.

FINDINGS.—Section 202(a)(6) of the National Sea Grant College Program Act (33 U.S.C. 1121(a)(6)) is amended by striking the period at the end and inserting '', including strong collaborations between Administration scientists and scientists at academic institutions.''.

SEC. 3. REQUIREMENTS APPLICABLE TO NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) QUADRENNIAL STRATEGIC PLAN.—Section 204 (c)(1) of the National Sea Grant College Program Act (33 U.S.C. 1123 (c)(1)) is amended to read as follows: ''The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop at least every 4 years a strategic plan which establishes priorities for the national sea grant college program, provides an appropriately balanced response to local, regional, and national needs, and is reflective of integration with the strategic plans of the Department of Commerce and of NOAA.''.

(b) ALLOCATION OF FUNDING.—Section 204(d)(3)(B) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(3)(B)) is amended.—

(1) by striking ''and'' after the semicolon at the end of clause (ii);

(2) by adding at the end the following:

''(iv) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and''.

(c) ENSURING EQUAL ACCESS.—Section 208(a) of such Act (33 U.S.C. 1127(a)) is amended by adding at the end the following: ''The Secretary shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection.''.

SEC. 4. TERMS OF MEMBERSHIP FOR SEA GRANT REVIEW PANEL.

Section 209(c)(2) of the National Sea Grant College Program Act (33 U.S.C. 1128(c)(2)) is amended by striking the first sentence and inserting the following: ''The term of office of a voting member of the panel shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2002. The Director may extend the term of office of a voting member of the panel appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002 by up to 1 year.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subsections (a) and (b) of section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) are amended to read as follows:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

''(A) $75,000,000 for fiscal year 2004;

''(B) $77,500,000 for fiscal year 2005;

''(C) $80,000,000 for fiscal year 2006;

''(D) $82,500,000 for fiscal year 2007; and

''(E) $85,000,000 for fiscal year 2008.

''(2) PRIORITY RESEARCH.—In addition to the amount authorized under paragraph (1), there are authorized to be appropriated for each of fiscal years 2004 through 2008—

''(A) $5,000,000 for competitive grants for university research on biology and control of zebra mussels and other important non-native species as identified in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4171(b)(4)(A));

''(B) $5,000,000 for competitive grants for university research on oyster diseases, oyster restoration, and oyster-related human health risks;

''(C) $5,000,000 for competitive grants for university research on the biology, prevention, and forecasting of harmful algal blooms, including Pfiesteria piscicida; and

''(D) $3,000,000 for competitive grants for research contributing to the fisheries extension program to enhance, not supplant, existing core program funding.

''(b) LIMITATIONS.—

''(1) ADMINISTRATION.—There may not be used for administration of programs under this title in a fiscal year more than 5 percent of the lesser of—

''(A) the amount authorized to be appropriated under this title for the fiscal year; or

''(B) the amount appropriated under this title for the fiscal year.

''(2) USE FOR OTHER OFFICES OR PROGRAMS.—Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this title by the National Sea Grant Office, for any other Administration or department program, or for any other administrative expenses.''.

(b) DISTRIBUTION OF FUNDS.—Such section is further amended by striking subsection (c) and inserting the following:

''(c) DISTRIBUTION OF FUNDS.—In any fiscal year in which the appropriations made pursuant to subsection (a)(1) exceed the amounts appropriated for fiscal year 2003 for the purposes described in such subsection, the Secretary shall distribute the excess amounts (except amounts used for the administration of programs) solely to—

''(1) State sea grant programs on a merit reviewed, competitive basis to support, enhance, and reward programs that are best managed and carry out the highest quality research, education, extension, and training programs; and

''(2) national strategic initiatives.''.

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by Mr. HUTCHINSON (for himself, Mr. CRAIG, Mr. ENZI, Mr. GREGG, Mr. HAGEL, Mr. INHOFE, and Mr. SMITH of New Hampshire):

S. 2429. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction from certain expenses in connection with the determination, collection, or refund of any tax; to the Committee on Finance.

Mr. HUTCHINSON. Mr. President, I rise today to introduce legislation that will help ease the financial burden for the millions of Americans that find themselves extremely confused and frustrated every year as they try to prepare their tax returns. This year's tax filing deadline expired on April 15 for most American taxpayers, and the 17,000-page, 2.8 million-word tax code was more complex than ever. One estimate is that it now takes 28 hours and six minutes to tackle the Internal Revenue Service's 1040 form and do the necessary record keeping.

According to the Tax Foundation, it is estimated that in 2002, individuals and small businesses will spend approximately 5.8 billion hours complying with the Federal income tax code, with an estimated compliance cost of over $194 billion. This amounts to imposing a more than 20 cent tax compliance surcharge for every dollar the tax system collects. By 2007, the compliance surcharge is conservatively estimated at $244.3 billion. Under current law, there is a way for those taxpayers who itemize and accumulate tax preparation fees up to at least 2 percent of their Adjusted Gross Income to receive a financial break from the IRS to help offset the cost of having a tax preparer calculate their tax. The problem is that there are millions more low- or middle-income individuals and small business owners trying to decipher the same complicated instructions and forms, for which there is no tax break.

Since 1985, we have more than doubled the pages in the instruction booklet that accompanies the 1040. In response to this increased complexity, American taxpayers are seeking professional help at a record level that equals almost 60 percent of all returns filed. I believe it is time that we acknowledge how difficult our current tax system has become and help the millions of Americans who have to look to outside help in filing their yearly tax returns. I suggest that since the Federal Government is the party responsible for creating this overly complicated code, it is the Federal Government that should bear the burden of the costs that are incurred in its compliance.

My proposal is simple, my legislation provides for the expenses that are incurred by a taxpayer in having their return prepared to be fully deducted. This would be treated as an above-the-line deduction and would allow for anyone who pays for these services to deduct up to $500 of these costs. Further, for those who already qualify to have their preparation cost be deducted because they reach the 2 percent threshold, they can opt not to have this deduction apply and continue to have their tax preparation fees be deducted under the current guidelines.

I believe the legislation that I have introduced today will provide much needed relief to the millions of American taxpayers that are forced to comply with this complex code. I ask my colleagues for their support.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES IN CONNECTION WITH THE DETERMINATION, COLLECTION, OR REFUND OF ANY TAX.

(a) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (18) the following new paragraph:

''(19) CERTAIN TAX EXPENSES.—Unless the taxpayer elects to not have this paragraph apply, the deduction allowed by paragraph (3) of section 212 with respect to so much of the expenses described in such paragraph as does not exceed $500.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid or incurred in taxable years beginning after the date of the enactment of this Act.

By Mr. BREAUX (for himself, Mr. NICKLES, Mr. CLELAND, Mr. BROWNBACK, Mr. MILLER, Mrs. HUTCHISON, and Mr. HUTCHINSON):

S. 2430. A bill to provide for parity in regulatory treatment of broadband services providers and of broadband access services providers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BREAUX. Mr. President, I rise today along with Senators NICKLES, CLELAND, BROWNBACK, MILLER, HUTCHISON, and HUTCHINSON to introduce legislation that is designed to rejuvenate the struggling telecommunications and high-tech sectors of our economy. The Broadband Regulatory Parity Act of 2002 requires the Federal Communications Commission, FCC, to adopt rules that establish a level playing field for all broadband service providers in order to spur investment in broadband technology and to ensure that consumers can obtain the benefits of free and open competition.

Federal and State regulations on the books today governing high-speed Internet access are based largely on an outdated view of the telecom and high-tech industry. Both Federal and State regulators continue to view the emerging broadband market through different sets of eyes, focusing their regulatory policies on the type of provider rather than the type of service. Cable, wireless, and satellite providers face no regulation of their broadband networks, while telephone companies are heavily regulated. The effect of this disparate regulatory treatment among providers has been to construct a barrier to new investment in broadband networks by incumbent local telephone companies.

I am not alone in calling on the FCC to level the regulatory playing field for broadband providers. Several weeks ago, the High Tech Broadband Coalition, a group comprised of six leading trade associations representing the computer, telecommunications equipment, semiconductor, consumer electronics, software and manufacturing industries, filed comments with the FCC requesting the removal of burdensome, outdated regulations that are hindering investment and limiting competition in high-speed Internet access.

In order to promote free and fair competition in the broadband market, my legislation requires the FCC to promulgate regulations, within 120 days of enactment, to achieve regulatory parity between broadband services providers and facilities. The key provision in my bill is, I believe, the 120-day requirement for FCC action. The FCC, to its credit, is attempting by means of a tortuously slow process to move in the direction of regulatory parity among broadband services and providers. Once the FCC completes action on its rulemakings, however, its orders will certainly be appealed, just as the FCC's March 14, 2002, order declaring cable modem service to be an information service has already been appealed to the United States Court of Appeals for the Ninth Circuit. To effect this needed regulatory parity, we need the expert agency to accomplish this reform with the necessary fine tuning that will further the public interest, but we need the force of Congressional action to bring about prompt results. I urge prompt action on this legislation.

Mr. NICKLES. Mr. President, I'm pleased to join Senator BREAUX today to introduce a bill that will allow all providers of broadband services to compete under the same rules and regulations. This bill will bring certainty to the regulatory environment ensuring more Americans will have a choice in their broadband service provider.

Access to broadband is crucial to consumers and communities in today's economy. High-speed connections to the Internet can provide a lifeline to small businesses, schools and hospitals, and can help communities prosper and grow in the Information Age.

But unfortunately, different rules for competing high-speed Internet companies are stifling competition. Phone companies that offer the same service as wireless, satellite, and cable companies face different rules and regulations that raise costs and slow innovation. These rules make it more difficult and expensive for phone companies to provide broadband service, leaving millions of consumers without access to high-speed connections and millions more with only one choice.

This service disparity is growing wider, and dozens of communities are at risk of being left behind, especially rural areas and inner-city neighborhoods. This bill will help close the Digital Divide and help ensure that all Americans have choices for high-speed Internet services. This issue is not about choosing winners and losers, it is about helping to ensure that high speed Internet service is not only available but competitive and affordable all across the country.

The Breaux-Nickles bill is a free-market, deregulatory approach to encourage private companies to rapidly deploy this new technology. It does nothing to change what the 1996 Telecom Act sought to accomplish, to open up the local voice telephone market to competition. At the time, no one envisioned the growth of the Internet. In fact, the web browser had just been invented. This bill simply eliminates regulations that were intended for the legacy network but have been mistakenly applied to new infrastructure investment.

The goal of this bill is to provide an economic incentive for local telephone companies to upgrade their networks and to rapidly deploy high-speed, broadband services throughout the U.S. According to the most recent nationwide data, there are approximately 11 million high speed Internet subscribers. Of that total, 7.2 million currently use high-speed cable modems and 3.5 million use Digital Subscriber Lines (DSL) provided by the telephone companies.

Today's rules are not only unfair but they are a disincentive to deployment. No company will invest the capital required to upgrade their network and deploy new technologies when they are required to provide this new, upgraded technology to their competitors at a government-set price. If high speed, broadband service is going to be deployed rapidly throughout the country, especially in rural areas, the answer is not more rules and regulations, but a market-based deregulatory approach.

For a new market to evolve quickly and efficiently, government should not regulate the market out of existence before it has a chance to flourish. In fact, yesterday's Wall Street Journal had an editorial expressing concern about over-regulation at a critical time, it states, ''Then the digital revolution ran headlong into the FCC and Congress, whose tender mercies enfolded consumer broadband at the moment of creation.'' It is not too late to encourage growth and innovation. As the Wall Street Journal points out, ''There's still plenty of Internet and telecom enthusiasm out there, if only regulators will let it blossom.''

With regulatory certainty, companies have the incentive to invest. For example, earlier this week, in my home State of Oklahoma, less than two weeks after Gov. Frank Keating signed the first state broadband parity law in the country, SBC Southwestern Bell announced a massive program of technology investment that will nearly double the number of Oklahoma towns with access to high-speed DSL Internet Access Service.

This initiative will bring high-speed DSL Internet service to 37 more towns, and expand access by building new broadband equipment in another 25 towns that already have the service. The initiative will make DSL available to about 137,000 more homes and businesses in 62 Oklahoma communities.

SBC is making this investment at a time when they, and other telecommunications companies, have dramatically slashed capital spending throughout the country.

This is the kind of investment that regulatory certainty and real competition bring and that is why I strongly support this legislation. If we can do for the country what we have done for the state of Oklahoma, Congress will go a long way toward reversing the economic slide currently enveloping the telecom sector. When all broadband providers are allowed to compete under the same rules, consumers win and the economy wins. I am pleased to sponsor this bipartisan approach to promoting competition for broadband services.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 255—TO DESIGNATE THE WEEK BEGINNING MAY 5, 2002, AS ''NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK''

Mrs. FEINSTEIN (for herself, Mr. HATCH, Ms. STABENOW, Mr. REID, Mrs. BOXER, Mr. KENNEDY, Mr. CLELAND, Ms. CANTWELL, Mr. WYDEN, Mr. THOMAS, Mr. BINGAMAN, Mr. DOMENICI, Mr. JEFFORDS, Mrs. MURRAY, Mr. ROBERTS, Mr. FEINGOLD, Mr. HELMS, Mr. SARBANES, and Mr. AKAKA) submitted the following resolution, which was referred to the Committee on the Judiciary.

S. RES. 255

Whereas the operation of correctional facilities represents a crucial component of our criminal justice system;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody, and dignity of the human beings charged to their care; and

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK.

That the Senate—

(1) designates the week beginning May 5, 2002, as ''National Correctional Officers and Employees Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Mrs. FEINSTEIN. Mr. President, I rise today to submit a resolution honoring our Nation's correctional officers and employees. This resolution reaffirms our support for the more than 200,000 corrections professionals who work in the face of danger while monitoring and reforming criminals and maintaining the safety of our communities.

I am pleased that Senators HATCH, STABENOW, REID, BOXER, KENNEDY, CLELAND, CANTWELL, WYDEN, THOMAS, BINGAMAN, DOMENICI, JEFFORDS, MURRAY, ROBERTS, FEINGOLD, HELMS, SARBANES, and AKAKA have joined me in submitting this resolution today.

The job of correctional officers and employees is a dangerous, and often thankless, one. Most of us leave for work knowing that we will return home safe and sound at the end of the day. But, corrections personnel are not afforded this luxury. They put their lives on the line every time they begin a shift.

Tragically, many correctional officers have been permanently injured or killed in the line of duty. In all, more than 361 correctional officers and employees have died while on duty. This year, we honor nine: John Burkett III, Wayne Mitchell, James Salvino, Gregory Collins, George Turner, Richard Huffman, Virgil Reel, Timothy Williams, and Rodney Welch, whom we lost during the past year. We must not forget the sacrifices made by these heroic individuals for our public safety.

These courageous officers all died while performing the normal day-to-day tasks their jobs asked of them. Whether they died transporting inmates or responding to disturbances within their facilities, their loss reminds us of the many brave acts that take place daily among correctional officers and employees.

Since prison security never rests, officers work all hours of the day and night, weekends, and even holidays. But, corrections professionals do much more than just watch over prisoners. They also play an important role in reforming them and in lowering recidivism rates. Through literacy programs and vocational training, they work hard to transform offenders into productive, law-abiding members of society, which is sometimes no easy task.

The efforts of America's correctional officers and employees to make our world a better, safer place too often go unnoticed. Few of us can truly appreciate the perils faced daily by these courageous public servants. We not only owe them our recognition, but our gratitude as well. To that end, I am pleased to offer this resolution to designate the week beginning May 5, 2002, as National Correctional Officers and Employees Week, and to honor and acknowledge their diligence and dedication to our public safety.

SENATE RESOLUTION 256—MAKING MINORITY PARTY APPOINTMENTS FOR THE SPECIAL COMMITTEE ON AGING FOR THE 107TH CONGRESS

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 256

Resolved, That the following be the minority membership on the Special Committee on Aging for the remainder of the 107th Congress, or until their successors are appointed:

Special Committee on Aging: Mr. Craig, Mr. Burns, Mr. Shelby, Mr. Santorum, Ms. Collins, Mr. Enzi, Mr. Hutchinson, Mr. Ensign, Mr. Hagel, and Mr. Smith of Oregon.

SENATE RESOLUTION 257—EXPRESSING THE GRATITUDE OF THE UNITED STATES SENATE FOR THE SERVICE OF SUZANNE D. PEARSON TO THE OFFICE OF LEGISLATIVE COUNSEL

Mr. BYRD submitted the following resolution; which was considered and agreed to:

S. RES. 257

Whereas Suzanne Pearson became an employee of the Senate on February 10, 1970, and since that date has ably and faithfully upheld the high standards and traditions of the Office of the Legislative Counsel of the United States Senate for almost 32 years;

Whereas Suzanne Pearson from January 1, 1991, to December 31, 2001, served as the Office Manager of the Office of the Legislative Counsel and demonstrated great dedication, professionalism, and integrity in faithfully discharging the duties and responsibilities of her position;

Whereas Suzanne Pearson retired on December 31, 2001, after more than 33 years of Government service; and

Whereas Suzanne Pearson has met the needs of the Senate with unfailing professionalism, skill, dedication, and good humor during her entire career: Now, therefore, be it

Resolved, That the United States Senate commends Suzanne D. Pearson for her almost 32 years of faithful and exemplary service to the United States Senate and the Nation, and expresses its deep appreciation and gratitude for her long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Suzanne D. Pearson.

SENATE CONCURRENT RESOLUTION 103—SUPPORTING THE GOALS AND IDEALS OF NATIONAL BETTER HEARING AND SPEECH MONTH, AND FOR OTHER PURPOSES

Mrs. CLINTON (for herself, Mr. CAMPBELL, Mr. DEWINE, Mr. EDWARDS, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEVIN, Mrs. MURRAY, Mr. ROCKEFELLER, and Mr. TORRICELLI) submitted the following concurrent resolution; which was ordered held at the desk:

S. CON. RES. 103

Whereas the National Institute on Deafness and Other Communication Disorders (NIDCD) reports that approximately 42,000,000 people in the United States suffer from a speech, voice, language, or hearing impairment;

Whereas almost 28,000,000 people in the United States suffer from hearing loss;

Whereas 1 out of every 3 people in the United States over 65 years of age suffers from hearing loss;

Whereas although more than 25,000,000 people in the United States would benefit from the use of a hearing aid, fewer than 7,000,000 people in the United States use a hearing aid;

Whereas sounds louder than 80 decibels are considered potentially dangerous and can lead to hearing loss;

Whereas the number of young children who suffer hearing loss as a result of environmental noise has increased;

Whereas every day in the United States approximately 33 babies are born with significant hearing loss;

Whereas hearing loss is the most common congenital disorder in newborns;

Whereas a delay in diagnosing a newborn's hearing loss can affect the child's social, emotional, and academic development;

Whereas the average age at which newborns with hearing loss are diagnosed is between 12 and 25 months;

Whereas more than 1,000,000 children received speech or language disorder services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) during the school year ending in 1998;

Whereas children with language impairments are 4 to 5 times more likely than their peers to experience reading problems;

Whereas 10 percent of children entering the first grade have moderate to severe speech disorders, including stuttering;

Whereas stuttering affects more than 2,000,000 people in the United States;

Whereas approximately 1,000,000 people in the United States have aphasia, a language disorder inhibiting spoken communication that results from damage caused by a stroke or other traumatic injury to the language centers of the brain; and

Whereas for the last 75 years, May has been celebrated as National Better Hearing and Speech Month in order to raise awareness regarding speech, voice, language, and hearing impairments and to provide an opportunity for Federal, State, and local governments, members of the private and nonprofit sectors, speech and hearing professionals, and the people of the United States to focus on preventing, mitigating, and curing such impairments: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Better Hearing and Speech Month;

(2) commends the 41 States that have implemented routine hearing screenings for every newborn before the newborn leaves the hospital;

(3) supports the efforts of speech and hearing professionals in their efforts to improve the speech and hearing development of children; and

(4) encourages the people of the United States to have their hearing checked regularly and to avoid environmental noise that can lead to hearing loss.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3382. Mr. DAYTON (for himself, Mr. CRAIG, Mr. DURBIN, Mr. SHELBY, Mr. KERRY, Mr. HELMS, Mr. WELLSTONE, Ms. COLLINS, Ms. MIKULSKI, Mr. SMITH of New Hampshire, Mr. DORGAN, Mr. ALLEN, Mr . HOLLINGS, Mr. WARNER, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3382. Mr. DAYTON (for himself, Mr. CRAIG, Mr. DURBIN, Mr. SHELBY, Mr. KERRY, Mr. HELMS, Mr. WELLSTONE, Ms. COLLINS, Ms. MIKULSKI, Mr. SMITH of New Hampshire, Mr. DORGAN, Mr. ALLEN, Mr. HOLLINGS, Mr. WARNER, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 3(b), add the following:

(4) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974 (trade authorities procedures) shall not apply to any provision in an implementing bill that modifies or amends, or requires a modification of, or an amendment to, any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including—

(i) imposition of countervailing and antidumping duties (title VII of the Tariff Act of 1930; 19 U.S.C. 1671 et seq.);

(ii) protection from unfair methods of competition and unfair acts in the importation of articles (section 337 of the Tariff Act of 1930; 19 U.S.C. 1337);

(iii) relief from injury caused by import competition (title II of the Trade Act of 1974; 19 U.S.C. 2251 et seq.);

(iv) relief from unfair trade practices (title III of the Trade Act of 1974; 19 U.S.C. 2411 et seq.); or

(v) national security import restrictions (section 232 of the Trade Expansion Act of 1962; 19 U.S.C. 1862).

(B) POINT OF ORDER IN SENATE.—

(i) IN GENERAL.—When the Senate is considering an implementing bill, upon a point of order being made by any Senator against any part of the implementing bill that contains material in violation of subparagraph (A), and the point of order is sustained by the Presiding Officer, the part of the implementing bill against which the point of order is sustained shall be stricken from the bill.

(ii) WAIVERS AND APPEALS.—

(I) WAIVERS.—Before the Presiding Officer rules on a point of order described in clause (i), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in clause (i) is waived only by the affirmative vote of at least three-fifths of the Members of the Senate, duly chosen and sworn.

(II) APPEALS.—After the Presiding Officer rules on a point of order under this subparagraph, any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in clause (i) is sustained unless at least three-fifths of the Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(III) DEBATE.—Debate on a motion to waive under subclause (I) or on an appeal of the ruling of the Presiding Officer under subclause (II) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the majority leader and the minority leader, or their designees.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, May 7, beginning at 9:30 a.m., in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to review the outlook for this year's wildland fire season as well as to assess the Federal land management agencies' state of readiness and preparedness for the wildland fire season.

Because of the limited time available for the hearing, witnesses may testify by invitation only. Those wishing to submit written testimony for the hearing record should e-mail it to shelly_brown@energy.senate.gov or fax it to 202–224–4340.

For further information, please contact Kira Finkler of the Committee staff at (202) 224–8164.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled ''The Role of the Board of Directors in Enron's Collapse.'' The subcommittee will call on past and present members of the Enron Board of Directors to obtain an insider's perspective on the board's oversight efforts, interactions with Enron management and Andersen, and failure to identify and respond adequately to warning signs of Enron's impending collapse.

The hearing will take place on Tuesday, May 7, 2002, at 9:30 a.m., in room 216 of the Hart Senate Office Building. For further information, please contact Elise J. Bean of the subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Richard Carmona, to be Surgeon General and Elias Zerhouni, to be Director of the National Institutes of Health during the session of the Senate on Tuesday, April 30, 2002, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, April 30, 2002, at 9:30 a.m., in room 438A of the Russell Senate Office Building to conduct a joint hearing with the Senate Small Business Committee on ''Small Business Development in Native American Communities: Is the Federal Government meeting its obligations?''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship and the Committee on Indian Affairs be authorized to meet during the session of the Senate for a joint hearing entitled ''Small Business Development in Native American Communities: Is the Federal Government Meeting Its Obligations?'' on Tuesday, April 30, 2002,

beginning at 9:30 a.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a hearing on ''Hospital Group Purchasing: Lowering Costs at the Expense of Patient Health and Medical Innovations?'' on Tuesday, April 30, 2002, at 2:30 p.m., in SD226.

Witness List: Ms. Trisha Barrett BSN, Assistant Director, Materiel Services, Value Analysis Facilitator, UCSF Medical Center, San Francisco, CA; Mr. Lynn R. Detlor, Principal, GPO Concepts, Inc., San Diego, CA; Dr. Mitchell Goldstein, Neonatologist, Citrus Valley Medical Center, West Covina, CA; Mr. Joe Kiani, President and Chief Executive Officer, Masimo Corporation, Irvine, CA, Mr. Mark McKenna, President, Novation, LLC, Irving, TX; Mr. Richard A. Norling, Chief Executive Officer, Premier, Inc., San Diego, CA; and Ms. Elizabeth A. Weatherman, Managing Director, Warburg Pincus, LLC, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Tuesday, April 30, 2002, at 2:30 p.m., for a hearing to examine ''Kids and Cafeterias: How Safe are Federal School Lunches?''.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Tuesday, April 30, 2002, at 9:30 a.m., for a hearing entitled ''Gas Prices: How Are They Really Set?''.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that privileges of the floor be granted to Fiona Wright during the debate on H.R. 3009.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent that a congressional fellow in my office, Ms. Tiffany Smith, be granted floor privileges for the remainder of the debate on this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 802 and 804 through 809; and all nominations placed on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, any statements be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate resume legislative session, with the preceding all occurring without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Thomas P. Maguire, Jr.

To be brigadier general

Colonel LaRita A. Aragon
Colonel Robert B. Bailey
Colonel Tod M. Bunting
Colonel Lawrence J. Cerfoglio
Colonel Eugene R. Chojnacki
Colonel Thorne A. Davis
Colonel Allen R. Dehnert
Colonel Dana B. Demand
Colonel R. Anthony Haynes
Colonel Stanley J. Jaworski, Jr.
Colonel Riley P. Porter
Colonel Richard L. Rayburn
Colonel Timothy R. Rush
Colonel Ronald L. Shultz
Colonel John M. White

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Gary H. Hughey

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James E. Cartwright

NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Charles H. Johnston, Jr.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Richard W. Mayo

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Walter F. Doran

AIR FORCE

PN1496 Air Force nominations (13) beginning Loraine H. Anderson, and ending Michael E. Young, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

PN1548 Air Force nomination of Marilyn D. Barton, which was received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1549 Air Force nomination of Larry O. Goddard, *which was received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1655 Air Force nomination of Michael B. Tierney, which was received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1656 Air Force nomination of Donald R. Copsey, which was received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1622 Air Force nominations (51) beginning Samuel E. Aikele, and ending Bryan M. White, which nominations were received by the Senate and appeared in the Congressional Record of April 9, 2002.

ARMY

PN1550 Army nomination of Mary B. Bedell, which was received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1551 Army nomination of Rodney E. Hudson, which was received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1552 Army nomination of James R. Uhl, which was received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1588 Army nominations (10) beginning Robert G. Anisko, and ending Craig A. Webber, which nominations were received by the Senate and appeared in the Congressional Record of March 21, 2002.

PN1623 Army nomination of William K.C. Parks, which was received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1624 Army nominations (5) beginning Michael J. Bennett, and ending Robert S. Hough, which nominations were received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1625 Army nominations (8) beginning Frank E. Batts, and ending Evelyn M. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1657 Army nominations (6) beginning Michael D. Armour, and ending David J. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1658 Army nominations (2) beginning Bryan T. Much, and ending Lionel D. Robinson, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1659 Army nominations (2) beginning Carl V. Hopper, and ending Timothy A. Reisch, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1660 Army nomination of John R. Carlisle, which was received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1661 Army nomination of Bryan C. Sleigh, which was received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1405 Army nominations (24) beginning Catherine E. Abbott, and ending Jeffrey N. Williams, which nominations were received by the Senate and appeared in the Congressional Record of February 6, 2002.

PN1406 Army nominations (41) beginning Eli T. Alford, and ending Eugene C. Wardynski Jr., which nominations were received by the Senate and appeared in the Congressional Record of February 6, 2002.

PN1407 Army nominations (66) beginning Bradley G. Anderson, and ending Donald A. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record of February 6, 2002.

PN1408–1 Army nominations (339) beginning Mark H. Abernathy, and ending X0314, which nominations were received by the Senate and appeared in the Congressional Record of February 6, 2002.

MARINE CORPS

PN1621 Marine Corps nomination of Jason K. Fettig, which was received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1626 Marine Corps nominations (725) beginning Bamidele J. Abogunrin, and ending Jay K. Zollmann, which nominations were received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1662 Marine Corps nominations (2) beginning Lester H. Evans, Jr., and ending Timothy M. Hathaway, which nominations were received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1664 Marine Corps nomination of Thomas P. Barzditis, which was received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1667 Marine Corps nomination of Donald C. Scott, which was received by the Senate and appeared in the Congressional Record of April 16, 2002.

PN1668 Marine Corps nomination of John J. Fahey, which was received by the Senate and appeared in the Congressional Record of April 16, 2002.

NAVY

PN1554 Navy nominations (2) beginning Eric Davis, and ending Frank D. Rossi, which nominations were received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1589 Navy nomination of James E. Toczko, which was received by the Senate and appeared in the Congressional Record of March 21, 2002.

PN1627 Navy nomination of Bruce R. Christen, which was received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1628 Navy nomination of Cole J. Kupec, which was received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1629 Navy nomination of James E. Lamar, which was received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1630 Navy nominations (12) beginning Robert E. Bebermeyer, and ending Benjamin A. Shupp, which nominations were received by the Senate and appeared in the Congressional Record of April 9, 2002.

PN1553 Navy nomination of Lawrence J. Holloway, which was received by the Senate and appeared in the Congressional Record of March 20, 2002.

*Signifies nominee's commitment to respond to requests to appear and testify before any duly constituted committees of the Senate.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

MAKING MINORITY APPOINTMENTS FOR SPECIAL COMMITTEE ON AGING

Mr. REID. I ask unanimous consent that the Senate proceed to S. Res. 256, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 256) making minority party appointments for the special committee on aging for the 107th Congress.

There being no objection, the Senate proceeded to the immediate consideration of the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 256) was agreed to, as follows:

S. RES. 256

Resolved, That the following be the minority membership on the Special Committee on Aging for the remainder of the 107th Congress, or until their successors are appointed.

Special Committee on Aging: Mr. Craig, Mr. Burns, Mr. Shelby, Mr. Santorum, Ms. Collins, Mr. Enzi, Mr. Hutchinson, Mr. Ensign, Mr. Hagel, and Mr. Smith of Oregon.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed en bloc to the consideration of the following calendar items: Calendar No. 357, H.R. 495; Calendar No. 358, H.R. 819; Calendar No. 359, H.R. 3093; Calendar No. 360, H.R. 3282; and Calendar No. 361, S. 1721.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I further ask consent the committee amendments, where applicable, be agreed to; the bills be read three times, passed, and the motions to reconsider be laid on the table en bloc; and the title amendments, where applicable, be agreed to, that any statements be printed in the RECORD, and that the consideration of these items appear separately in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

RON DE LUGO FEDERAL BUILDING

The bill (H.R. 495) to designate the Federal building located in Charlotte Amalie, St. Thomas, United States Virgin Islands, as the ''Ron de Lugo Federal Building,'' was considered, ordered to a third reading, read the third time, and passed.

DONALD J. PEASE FEDERAL BUILDING

The bill (H.R. 819 to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the ''Donald J. Pease Federal Building,'' was considered, ordered to a third reading, read the third time, and passed.

WILLIAM L. BEATTY FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (H.R. 3093) to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the ''William L. Beatty Federal Building and United States Courthouse,'' was considered, ordered to a third reading, read the third time, and passed.

MIKE MANSFIELD FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (H.R. 3282) to designate the Federal building and United States courthouse located at 400 North Main Street in Butte, Montana, as the ''Mike Mansfield Federal Building and United States Courthouse,'' was considered, ordered to a third reading, read the third time, and passed.

JAMES L. WATSON UNITED STATES COURTHOUSE

The Senate proceeded to consider the bill (S. 1721) to designate the building located at 1 Federal Plaza in New York, New York, as the ''James L. Watson United Court of International Trade Building,'' which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(Omit the parts in black brackets and insert the parts printed in italic.)

S. 1721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. DESIGNATION OF JAMES L. WATSON UNITED STATES COURT OF INTERNATIONAL TRADE BUILDING.]

SECTION 1. DESIGNATION OF JAMES L. WATSON UNITED STATES COURTHOUSE.

The building located at 1 Federal Plaza in New York, New York, shall be known and designated as the **[**''James L. Watson United States Court of International Trade Building''.**]** *''James L. Watson United States Courthouse''.*

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference **[**to the James L. Watson United States Court of International Trade Building.**]** *to the James L. Watson United States Courthouse.*

The committee amendments were agreed to.

The bill (S. 1721), as amended, was read the third time and passed, as follows:

S. 1721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JAMES L. WATSON UNITED STATES COURTHOUSE.

The building located at 1 Federal Plaza in New York, New York, shall be known and

designated as the ''James L. Watson United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the James L. Watson United States Courthouse.

The title was amended so as to read: ''A bill to designate the building located at 1 Federal Plaza in New York, New York, as the 'James L. Watson United States Courthouse'.''.

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of the following calendar items: Calendar No. 352, S. Con. Res. 102; Calendar No. 353, S. Res. 109; Calendar No. 354, S. Res. 245.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I further ask unanimous consent any committee amendment, where applicable, be agreed to, the concurrent resolution and resolutions and preambles be agreed to, en bloc, the title amendment, where appropriate, be agreed to, and the motions to reconsider be laid on the table, en bloc, and any statements be printed in the RECORD, and consideration of these items appear separately in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SAFE KIDS WEEK

The Senate proceeded to consider the resolution (S. Con. Res. 102) proclaiming the week of May 4 through May 11, 2002, as ''National Safe Kids Week.''

The concurrent resolution (S. Con. Res. 102) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 102

Whereas unintentional injury is the number 1 killer of children under 15 years of age;

Whereas in 2000, more than 373,000 children under 15 years of age were treated in hospital emergency rooms for bicycle-related injuries, and more than 16,600 children under 15 years of age were treated for equestrian-related injuries;

Whereas more than 40 percent of all bicycle-related deaths are due to head injuries, approximately three-fourths of all bicycle-related head injuries occur among children under 15 years of age, and 60 percent of all equestrian-related deaths are related to head injury;

Whereas the single most effective safety device available to reduce head injury and death from bicycle and equestrian accidents is a properly fitted and safety certified helmet;

Whereas national estimates report that helmet use among child bicyclists is only between 15 and 25 percent;

Whereas every dollar spent on a bicycle helmet saves this Nation $30 in direct medical costs and other costs to society;

Whereas there is no national safety standard in place for equestrian helmets;

Whereas the National Safe Kids Campaign supports efforts to reduce equestrian-related head injuries;

Whereas the National Safe Kids Campaign promotes childhood injury prevention by uniting diverse groups into State and local coalitions, developing innovative educational tools and strategies, initiating legislative changes, promoting new technology, and raising awareness through the media; and

Whereas the National Safe Kids Campaign, with the support of founding sponsor Johnson & Johnson, has planned special childhood injury prevention activities and community-based events for National Safe Kids Week 2002, which will focus on the prevention of wheel-related traumatic brain injuries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) proclaims the week of May 4 through May 11, 2002, as ''National Safe Kids Week'';

(2) supports the efforts and activities of the National Safe Kids Campaign to prevent childhood injuries, including bicycle-related traumatic brain injuries and equestrian-related brain injuries; and

(3) requests that the President issue a proclamation calling upon the people of the United States to observe National Safe Kids Week with appropriate ceremonies and activities.

NATIONAL CHILDREN'S MEMORIAL DAY

The Senate proceeded to consider the resolution (S. Res. 109) designating the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day.''

The resolution (S. Res. 109) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 109

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be one of the greatest tragedies that a parent or family will ever endure during a lifetime;

Whereas a supportive environment, empathy, and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one; and

Whereas April is National Child Abuse Prevention month: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY AND CHILDREN'S MEMORIAL FLAG DAY.

The Senate—

(1) designates the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to—

(A) observe ''National Children's Memorial Day'' with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died; and

(B) fly the Children's Memorial Flag on ''Children's Memorial Flag Day''.

The title was amended so as to read: ''Designating December 8, 2002, as 'National Children's Memorial Day' and April 26, 2002, as 'Children's Memorial Flag Day'.''

NATIONAL OCCUPATIONAL SAFETY AND HEALTH WEEK

The Senate proceeded to consider the resolution (S. Res. 245) designating the week of May 5 through May 11, 2002, as ''National Occupational Safety and Health Week.''

The resolution (S. Res. 245) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 245

Whereas every year, more than 6,000 people die from job-related injuries and millions more suffer occupational injuries or illnesses;

Whereas every day, millions of people go to and return home from work safely due, in part, to the efforts of many unsung heroes—the occupational safety, health, and environmental professionals who work day in and day out identifying hazards and implementing safety advances in all industries and at all workplaces, thereby reducing workplace fatalities and injuries;

Whereas these safety professionals work to prevent accidents, injuries, and occupational diseases, create safer work and leisure environments, and develop safer products;

Whereas the more than 30,000 members of the 90-year-old nonprofit American Society of Safety Engineers, based in Des Plaines, Illinois, are safety professionals committed to protecting people, property, and the environment globally;

Whereas the American Society of Safety Engineers, in partnership with the Canadian Society of Safety Engineers, has designated May 5 through May 11, 2002, as North American Occupational Safety and Health Week (referred to in this resolution as ''NAOSH week'');

Whereas the purposes of NAOSH week are to increase understanding of the benefits of investing in occupational safety and health, to raise the awareness of the role and contribution of safety, health, and environmental professionals, and to reduce workplace injuries and illnesses by increasing awareness and implementation of safety and health programs;

Whereas during NAOSH week the focus will be on hazardous materials—what they are, emergency response information, the skills and training necessary to handle and transport hazardous materials, relevant laws, personal protection equipment, and hazardous materials in the home;

Whereas over 800,000 hazardous materials are shipped every day in the United States, and over 3,100,000,000 tons are shipped annually; and

Whereas the continued threat of terrorism and the potential use of hazardous materials make it vital for Americans to have information on these materials: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 5 through May 11, 2002, as ''National Occupational Safety and Health Week'';

(2) commends safety professionals for their ongoing commitment to protecting people, property, and the environment;

(3) encourages all industries, organizations, community leaders, employers, and employees to support educational activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe ''National Occupational Safety and Health Week'' with appropriate ceremonies and activities.

EXPRESSING THE GRATITUDE OF THE UNITED STATES SENATE FOR THE SERVICE OF SUZANNE D. PEARSON TO THE OFFICE OF LEGISLATIVE COUNSEL

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 257, submitted earlier today by Senator BYRD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 257) expressing the gratitude of the United States Senate for the service of Suzanne D. Pearson to the Office of Legislative Counsel.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, I rise to commend Ms. Suzanne Pearson who retired on December 31, 2001, after serving for almost 32 years in the Senate Office of the Legislative Counsel, including the last 10 years as Office Manager.

Mr. President, as President pro tempore of the Senate, it was my pleasure to oversee the Office of the Legislative Counsel when Suzanne Pearson was appointed to her position as Office Manager and also at the time of her retirement. I appreciated the great professionalism and dedication she displaced in her role as Office Manager, particularly the meticulous attention she paid to detail in preparing the expense vouchers of the Office for my approval.

We all rely on staff to effectively carry out our legislative responsibilities. Ms. Pearson has seen to it that the Office of Legislative Counsel and all Members of the Senate were well served due to her professionalism and dedication in helping to prepare legislative drafts.

Mr. President, I am proud to sponsor this resolution. Suzanne Pearson has served her Nation well for over 33 years. I wish Suzanne the very best for the future, especially time spent with her sisters, Catherine and Adrienne, and her nephews.

Mr. REID. I ask unanimous consent the resolution and preamble be agreed to, en bloc, and the motions to reconsider be laid on the table, with no intervening action or debate.

The resolution (S. Res. 257) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 257

Whereas Suzanne Pearson became an employee of the Senate on February 10, 1970, and since that date has ably and faithfully upheld the high standards and traditions of the Office of the Legislative Counsel of the United States Senate for almost 32 years;

Whereas Suzanne Pearson from January 1, 1991, to December 31, 2001, served as the Office Manager of the Office of the Legislative Counsel and demonstrated great dedication, professionalism, and integrity in faithfully discharging the duties and responsibilities of her position;

Whereas Suzanne Pearson retired on December 31, 2001, after more than 33 years of Government service; and

Whereas Suzanne Pearson has met the needs of the Senate with unfailing professionalism, skill, dedication, and good humor during her entire career: Now, therefore, be it

Resolved, That the United States Senate commends Suzanne D. Pearson for her almost 32 years of faithful and exemplary service to the United States Senate and the Nation, and expresses its deep appreciation and gratitude for her long, faithful, and outstanding service.

SEC. 2 The Secretary of the Senate shall transmit a copy of this resolution to Suzanne D. Pearson.

MEASURE HELD AT THE DESK—S. CON. RES. 103

Mr. REID. Mr. President, I ask unanimous consent that S. Con. Res. 103 be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MAY 1, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 9:30 a.m., Wednesday, May 1. Following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to H.R. 3009 and vote on that motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask consent that it be in order to ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Wednesday, May 1, 2002, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 30, 2002:

THE JUDICIARY

MICHAEL M. BAYLSON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

CYNTHIA M. RUFE, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL THOMAS P. MAGUIRE, JR.

To be brigadier general

COLONEL LARITA A. ARAGON
COLONEL ROBERT B. BAILEY
COLONEL TOD M. BUNTING
COLONEL LAWRENCE J. CERFOGLIO
COLONEL EUGENE R. CHOJNACKI
COLONEL THORNE A. DAVIS
COLONEL ALLEN R. DEHNERT
COLONEL DANA B. DEMAND
COLONEL R. ANTHONY HAYNES
COLONEL STANLEY J. JAWORSKI, JR.
COLONEL RILEY P. PORTER
COLONEL RICHARD L. RAYBURN
COLONEL TIMOTHY R. RUSH
COLONEL RONALD L. SHULTZ
COLONEL JOHN M. WHITE

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GARY H. HUGHEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES E. CARTWRIGHT

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CHARLES H. JOHNSTON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. RICHARD W. MAYO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. WALTER F. DORAN

AIR FORCE NOMINATIONS BEGINNING LORAINE H. ANDERSON AND ENDING MICHAEL E. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

AIR FORCE NOMINATION OF MARILYN D. BARTON.

AIR FORCE NOMINATION OF LARRY O.* GODDARD.

AIR FORCE NOMINATIONS BEGINNING SAMUEL E AIKELE AND ENDING BRYAN M WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 9, 2002.

AIR FORCE NOMINATION OF MICHAEL B. TIERNEY.

AIR FORCE NOMINATION OF DONALD R. COPSEY.

ARMY NOMINATIONS BEGINNING CATHERINE E ABBOTT AND ENDING JEFFREY N WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 6, 2002.

ARMY NOMINATIONS BEGINNING ELI T ALFORD AND ENDING EUGENE C WARDYNSKI, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 6, 2002.

ARMY NOMINATIONS BEGINNING BRADLEY G ANDERSON AND ENDING DONALD A

ZIMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 6, 2002.

ARMY NOMINATIONS BEGINNING MARK H ABERNATHY AND ENDING X0314, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 6, 2002.

ARMY NOMINATION OF MARY B. BEDELL.

ARMY NOMINATION OF RODNEY E. HUDSON.

ARMY NOMINATION OF JAMES R. UHL.

ARMY NOMINATIONS BEGINNING ROBERT G. ANISKO AND ENDING CRAIG A. WEBBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 21, 2002.

ARMY NOMINATION OF WILLIAM K.C. PARKS.

ARMY NOMINATIONS BEGINNING MICHAEL J. BENNETT AND ENDING ROBERT S HOUGH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 9, 2002.

ARMY NOMINATIONS BEGINNING FRANK E. BATTS AND ENDING EVELYN M. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 9, 2002.

ARMY NOMINATIONS BEGINNING MICHAEL D. ARMOUR AND ENDING DAVID J. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 16, 2002.

ARMY NOMINATIONS BEGINNING BRYAN T. MUCH AND ENDING LIONEL D. ROBINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 16, 2002.

ARMY NOMINATIONS BEGINNING CARL V. HOPPER AND ENDING TIMOTHY A. REISCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 16, 2002.

ARMY NOMINATION OF JOHN R. CARLISLE.

ARMY NOMINATION OF BRYAN C. SLEIGH.

MARINE CORPS NOMINATION OF JASON K. FETTIG.

MARINE CORPS NOMINATIONS BEGINNING BAMIDELE J ABOGUNRIN AND ENDING JAY K ZOLLMANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 9, 2002.

MARINE CORPS NOMINATIONS BEGINNING LESTER H. EVANS, JR. AND ENDING TIMOTHY M. HATHAWAY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 16, 2002.

MARINE CORPS NOMINATION OF THOMAS P. BARZDITIS.

MARINE CORPS NOMINATION OF DONALD C. SCOTT.

MARINE CORPS NOMINATION OF JOHN J. FAHEY.

NAVY NOMINATION OF LAWRENCE J. HOLLOWAY.

NAVY NOMINATIONS BEGINNING ERIC DAVIS AND ENDING FRANK D. ROSSI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 20, 2002.

NAVY NOMINATION OF JAMES E. TOCZKO.

NAVY NOMINATION OF BRUCE R. CHRISTEN.

NAVY NOMINATION OF COLE J. KUPEC.

NAVY NOMINATION OF JAMES E. LAMAR.

NAVY NOMINATIONS BEGINNING ROBERT E BEBERMEYER AND ENDING BENJAMIN A SHUPP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 9, 2002.

EXTENSIONS OF REMARKS

TRIBUTE TO THE ORRSTOWN LODGE NO. 262 F & A.M.

HON. BILL SHUSTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to pay tribute to the Orrstown Lodge No. 262 F & A.M. for their one hundred and fiftieth anniversary. On March 1st, 1852, the Grand Lodge of Pennsylvania granted a charter for the establishment of a masonic lodge in Orrstown. The charter members were: Henry Ruby, John Orr, James B. Orr, William Orr, William F. Breckenridge, Joseph Johnston, John Wunderlich, and Jacob Heck, who all lived in Orrstown and the vicinity. James B. Orr, the first Worshipful Master, and the seven other charter members, desired a lodge in their own town, not just for more accessibility, but because they knew that the community of Orrstown would uphold the values, traditions, and beliefs of Freemasonry. On May 6th, the first meeting of the masonic lodge of Orrstown came to order and opened in Ancient form. They would meet on the first and third Thursday of the month until November 20, 1879, when they became a moon lodge. Since that time they have met on the Thursday night on or before a full moon.

I would like to impress upon my colleagues that although their longevity is impressive, the traditions and values that have been passed on through these years are their most notable achievements. Freemasons began as a society that was based on the principles of morality and brotherhood. A society in which education and charity are bricks in the foundation of their existence and altruism is central in the character of its members. A mason is a man of integrity and honor. Attributes that are not only beneficial to the man who possesses them but to the community where the man resides. The Orrstown Lodge has been instrumental in helping to develop such qualities.

In the popular Masonic book ''The Builders,'' author Joseph Fort Newton answers the question: ''When is a man a Mason?'' He writes, ''When he can look out over the rivers, the hills and the far horizon with a profound sense of his own littleness in the vast scheme of things, and yet have faith, hope and courage, which is the root of every virtue * * *. When he knows how to sympathize with men in their sorrows, yea even in their sins—knowing that each man fights a hard fight against many odds. When he has learned how to make friends and to keep them and above all, how to keep friends with himself * * *. When he knows how to pray, how to love, how to hope. When he has kept faith with himself, with his God; in his hand a sword for evil, in his heart a bit of a song; glad to live, but not afraid to die. Such a man has found the only secret of Freemasonry, and the one which it is trying to give to all the world.'' The world would be a better place if only we had more of such men.

Mr. Speaker, I urge you to join me In congratulating the Orrstown Lodge on their one hundred and fifty year anniversary. I wish the members of this extraordinary organization the very best in the years to come.

ON THE 32ND ANNIVERSARY OF EARTH DAY

HON. ROBERT A. UNDERWOOD
OF GUAM
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. UNDERWOOD. Mr. Speaker, as the 32nd anniversary of Earth Day was recently celebrated, it was wonderful to note how environmental conservation issues have become part of the public consciousness. The grassroots movement that established the environment as an important political issue in the 1970s has brought lasting changes on both the national and local level. In Congress, the need for environmental legislation has resulted in the passage of the Clean Air Act, the Clean Water Act, the Federal Environmental Pesticide Control Act, the Endangered Species Act, and the Safe Drinking Water Act. On the local level, communities all over the nation, including those in my district of Guam, continue to celebrate Earth Day.

Our local environmental agency, the Guam Environmental Protection Agency (GEPA), has organized numerous activities to celebrate Earth Day. The programs planned by GEPA embrace the theme ''Environmental Education is for Everyone''. All the activities promote environmental awareness and the idea that individual action makes a difference. GEPA is celebrating Earth Day by holding activities through the month of April. Projects include island wide trash clean-ups, hazardous waste and 'white good' collections, and a Run/Walk/Jog to raise environmental awareness. Other planned activities include a young person's art competition to illustrate environmental success stories sponsored by the United Nations, and two coral reef clean-ups to be performed by local scuba divers. Today, I wish to congratulate and commend GEPA's efforts to improve the state of the environment on Guam.

Environmental protection and resource conservation help make the planet a healthy place to live and save critical resources for the future. Thus, our actions today benefit not only ourselves, but the generations yet to come. As we say in Chamorro, ''Prutehi i tano'-ta'': we must protect our land.

Earth Day is an important reminder that we must all work together to sustain our island resources and to remember that every action does make a difference, On the national level, I will continue to advocate for the environment and the people of Guam, supporting bills that promote wise management of our coastal zone, protect our resources, and conserve our coral reefs. However, it is the actions of local agencies and people who effect real environmental change. On this anniversary of Earth Day, I would like to thank the Guam Environmental Protection Agency and the people of Guam who work to preserve our natural marine and terrestrial resources, to achieve clean air, land, and water, and to protect the natural environment on our island.

THE PACIFIC HIGHLY MIGRATORY SPECIES CONSERVATION ACT OF 2002

HON. DUNCAN HUNTER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. HUNTER. Mr. Speaker, today I am proud to introduce the Pacific Highly Migratory Species Conservation Act of 2002, which amends the Magnuson-Stevens Fishery Conservation and Management Act to keep the West Coast Exclusive Economic Zone (EEZ) free of pelagic long-line fishing.

For those new to the issue, pelagic long-lining is a fishing method that uses long-lines more than 20 miles in length, which are suspended horizontally over the water by surface floats. Attached to that long-line are lines and hooks that dangle vertically in the water for as long as twelve hours. Those baited hooks are meant to catch highly migratory species of fish such as swordfish and tuna, but they have the unintended consequence of also catching many other sea creatures swimming by in search of a meal. On the East Coast, the species that are caught in this gear by mistake (called by-catch) include endangered sea turtles, dolphins, pilot whales, porpoises and even sea birds. These creatures are stuck on the longline until it is reeled in, which takes several hours. Many cannot withstand the long soak time while stuck on the line, and they have no escape from predators.

A lesson from history is proof of the need to address this problem: For over 150 years on the East Coast, commercial swordfish harpooners maintained a strong viable fishery by targeting fish that were adults and that have spawned more than once. After the introduction of drift long-lining in the late 1960s, swordfish and marlin stocks decreased at a rapid rate. In fact, it took less than 30 years to virtually bring these species to their dangerously low levels of today. We have a thriving harpoon industry in California with exceptionally high quality product that should be protected.

Congress has debated how to restrict or eliminate the use of the pelagic long-line gear in East Coast and Gulf of Mexico waters over the last three years. Unfortunately, the National Marine Fisheries Service is considering allowing the experimental use of these non-selective and destructive long-lines within the 200 mile West Coast EEZ. This would have a devastating impact on all West Coast pelagic fisheries, but most particularly in California, where long-lining has not been previously permitted.

My bill will protect the species in the West Coast waters from long-line gear, remove pelagic longline gear from the West Coast EEZ

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

from the Canadian border with Washington State to the Mexican border with California. Our marine ecosystems will be protected from the devastating impact of the gear and serve as a successful example of sound fisheries management. In California's commercial fisheries, there are more selective ways to target economically valuable pelagic species. We should not let the mistakes made in the East Coast and Gulf of Mexico waters replicate themselves on the West Coast.

CELEBRATING THE 90TH ANNIVERSARY OF GIRL SCOUTS OF THE USA

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. KLECZKA. Mr. Speaker, I congratulate the Girl Scouts of the USA this year for their 90th anniversary. Since 1912, the Girl Scouts have strived to help all girls grow strong by teaching them to develop to their true potential. Through girl scouting, girls acquire self-confidence and expertise, take on responsibility, and are encouraged to think creatively: all qualities essential for good citizens and leaders.

Today, with a membership of 3.8 million, the Girl Scouts are the largest organization for girls in the world. Of that 3.8 million, almost one million of those are adult volunteers, who dedicate their time and enthusiasm to ensure that Girl Scouting is available to every girl in every community, reaching beyond racial, ethnic, socioeconomic or geographic boundaries.

Scouting encourages girls to study fields that are typically male dominated, such as science, technology, health and sports. Of the more than 50 million women who are Girl Scout Alumnae, over two-thirds are doctors, lawyers, educators, or community leaders—including many Congresswomen. Former Girl Scouts include Eileen Collins, the first female space shuttle commander, Olympic Gold Medallist Jackie Joyner-Kersee and Senator HILLARY RODHAM CLINTON.

For 90 years, Girl Scouts have paved the way for girls of all ages, empowering them to become leaders, and community activists. Through their dedication, Girl Scouts have improved our communities, and adults have realized they can be positive role models to children. Many thanks and congratulations to the Girl Scouts for their invaluable achievements over the last 90 years.

RECOGNIZING RICHARD DARMANIAN

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. DOOLEY of California. Mr. Speaker, I rise today to recognize the accomplishments of Richard Darmanian, an exemplary citizen deeply admired by all who have worked with him, especially members in the Armenian community throughout California and the United States for his assiduous devotion as an educator and community leader.

This month, Mr. Darmanian's peers recognized him for his fifty years of altruistic service to his community, wherein he served as director of the Armenian National Committee (ANC) of Central California from 1988 to 1996 and as an educator and administrator in the Fresno Unified School District since 1952.

Mr. Darmanian is a respected leader whose efforts championed the vision of an established Armenian community in the San Joaquin Valley. Twenty-five years ago, he was instrumental in founding the Armenian Community School of Fresno, an institution that has helped to teach Armenian children their heritage and language.

At a time when leadership is in high demand, Mr. Darmanian is a beacon to the young, enabling a new generation of leaders. His work has brought the Central Valley a deeper understanding and appreciation of the Armenian culture.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating Mr. Richard Darmanian on being recognized by the Armenian National Committee of Central California. His commitment and dedication to the entire community deems him more than worthy of this acclamation. I wish him continued success, both personally and professionally.

HONORING MYRON PITTMAN ON HIS 102ND BIRTHDAY

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. OXLEY. Mr. Speaker, it is my honor today to pay tribute to a distinguished resident of Bucyrus, OH, on the occasion of his 102nd birthday.

Myron J. Pittman was born on April 30, 1900, in northwest Ohio. He graduated from high school in 1918, and subsequently went to work for the Ohio State University, checking and reporting on dairy herd production throughout the State of Ohio. Mr. Pittman later attended Otterbein College—until, as he says, he ''ran out of money.''

He moved to Crawford County in the mid-1930s and ran a dairy farm there through the 1960s. At various times, Mr. Pittman also worked as a rural mail carrier and for the Ohio Department of Highways. A dedicated community supporter, he served as a member of the Whetstone Local School District Board of Education for 9 years. Mr. Pittman is a longtime member of Woodlawn United Methodist Church in Bucyrus.

Mr. Pittman and his wife Opal enjoyed more than 74 years of marriage before she passed away in 2000. He has two daughters, Mary Gast of Marion County and Barbara Quaintance of Crawford County, and enjoys spending time with his 4 grandchildren and 4 great-grandchildren.

Mr. Pittman is in good health and takes no medications. He has a sharp mind, and keeps a close eye on the goings-on in Washington. His voting record is truly inspirational: he has voted in every Presidential election since the Coolidge/Davis contest of 1924.

I know that my colleagues join me in saluting Mr. Pittman's contributions to his community and in wishing him a happy 102nd birthday.

TRIBUTE TO SALLY ANN ROBISON

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. DOOLITTLE. Mr. Speaker, today I wish to remember and honor a woman who was a leader in public education in Northern California, Mrs. Sally Ann Robison. After a lifetime of dedication to her family, faith, and students, Sally passed away on April 25, 2002. She was 58 years old.

The former Sally Ann Franklin was born in Riverside, California, on September 30, 1943, to Albert John Franklin and Mary Jane Richards. She grew up in the Cities of Stockton and Sacramento, where she attended C.K. McClatchy High School and Sacramento City College. After graduating from California State University, Chico, Sally earned a Master of Arts degree in education from California State University, Sacramento. With this training, she forged a lifetime of public service in the field of education.

Her long and distinguished career as an educator spanned from North America's Pacific Coast to Western Europe, and from the classroom to the boardroom. While stationed in Germany with her husband, Air Force Academy graduate Jim T. Robison, Sally taught school for six years. Upon returning to California, she was an instructor for three years in the Sacramento City Unified School District and for one year in Gridley, California. Then, for 22 years, she taught at Noralto Elementary School in the North Sacramento Unified School District. Most recently, she taught kindergarten for six years at Pasadena Avenue Elementary School in the San Juan Unified School District.

Aside from her efforts in the classroom, Sally's passion for teaching children to read led her to serve on the California State Textbook Adoption Committee. Additionally, she was greatly concerned with higher education. Since December 1992, she served on the Sierra College Board of Trustees. Thus, she had a role in shaping the lives of students from kindergarten to college, the beginning and ending of one's academic experience.

Being both socially-conscious and socially active, Sally belonged to many community organizations. These included the San Juan Teachers Association, the California Teachers Association, the National Education Association, and the South Placer County Republican Women, Federated. While known for her quiet, friendly demeanor, Sally also had great integrity and a steely resolve. Standing for what was right at all times was important to her, even if it meant standing alone.

Most importantly, Sally Robison was devoted to her family and was a committed member of the Sunset Christian Center in Rocklin, California.

She is survived by her husband of 32 years, Jim, her daughters, Amy and Ashley Robison, and her granddaughter, Alexis Robison. I join with her family, friends, and community in mourning her passing.

May you rest in peace, Sally.

HONORING DONNA LLOYD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the Executive Director of Community Home Health Hospice, Donna Lloyd. Donna is leaving her position after sixteen years providing end-of-life care.

Donna Lloyd has worked tirelessly to ensure the dying are given comfort and a high quality of life. Under her direction Community Home Health and Hospice has maintained a significant place in the health care community of Michigan. Aiding patients in Genesee, Oakland, Livingston, Shiawassee and Lapeer Counties, it has served as a role model for other community based hospices. Currently occupying a 19,000 square foot facility, patients may live out the remainder of their days in a familiar and home-like setting.

Over the years, Donna has been recognized as a leader in the hospice movement. She was nominated for the ''Heart of Hospice'' award by the National Hospice Organization in 1993. She helped write the standards and regulations for Hospice Residences in Michigan. Her experience organizing, and expanding a hospice gave her a unique perspective for this work.

Mr. Speaker, I ask the House of Representatives to join me today in congratulating Donna Lloyd as she begins a new phase of her life. Her compassion for the dying has benefited everyone.

RETIREMENT OF PITTSBURGH POLICE COMMANDER GWEN ELLIOTT

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. COYNE. Mr. Speaker, I rise today to observe that Pittsburgh Police Commander Gwendolyn J. Elliott is retiring after more than 25 years of service with the Pittsburgh Bureau of Police.

Commander Elliott has a long and commendable career of public service. She served from 1964 until 1969 in the United States Air Force. She subsequently served in the Air National Guard from 1969 until 1973 and in the Army Reserves from 1974 until 1979. She worked as a Crisis Intervention Counselor at a Massachusetts community-based treatment center, and as a mental health counselor, before joining the Pittsburgh Bureau of Police in May 1976. After working as a Patrol Officer for eight years, she was promoted to the rank of Sergeant. Two years later, she was promoted to Commander and served as the Night Watch Commander commanding five precincts until June 1990. From June 1990 until October she served as Commander in Charge of the Office of Family Violence, Youth, and Missing Persons, where she supervised 30 Detectives. She also served as Assistant to the Mayor for Youth Policy from January 1994 to January 1996. Most recently, she served as the Commander in Charge of the Zone 3 Station.

Commander Elliott has also been actively involved in a number of community activities. She has served as President of the Women Police of Western Pennsylvania and of the East Liberty Business & Professional Women's Club. She has served on a number of boards, including the boards of Pittsburgh Community Services, the Center for Victims of Violent Crimes, United Cerebral Palsy, Three Rivers Youth, and the Parental Stress Center. She is a member of a number of other civic organizations as well.

Today is Commander Elliott's last day on the job. Upon her retirement, she will be working on a new project—Gwen's Girls, a local agency with a mission to reach out and help at-risk adolescent girls. On behalf of the people of Pennsylvania's 14th Congressional District, I want to commend Commander Elliott for her many years of dedicated public service and wish her well in this new endeavor.

TRIBUTE TO RON CAWDREY

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mrs. NAPOLITANO. Mr. Speaker, I rise today to honor and pay tribute to Ron Cawdrey, a remarkable community activist and public servant who recently passed away at the age of 65. As we join his family and friends and mourn for their loss, it is only appropriate that we remember Ron and his significant contributions to the community.

Ron Cawdrey served as an officer on almost all the civic organizations in the City of Redondo Beach: the Rotary Club, the Chamber of Commerce, the Redondo Beach Roundtable, the Eagles, the American Legion, the Knights of Columbus, and most importantly, the city council are greatly indebted to a man whose mission in life was to serve his fellow citizens. Few individuals have been more devoted to their hometown than Ron has to Redondo Beach, a fact that was recognized when he was presented the first Mayor's Lifetime Community Service Award.

It is rare to find people whose sense of civic duty, are on par with Ron Cawdrey. At the young age of 19, Ron began his journey of public service by managing youth baseball teams. He had a six-year interruption when he was drafted and proudly served in the 82nd Airborne Division of the U.S. Army. Upon his return, Ron continued to pursue his passion in community service and became actively involved with local Democratic politics along with the local union, where he ultimately served as vice president of the Communications Workers of America, Local 9400, representing 10,000 members in California.

Ron Cawdrey will be remembered and missed not only by his family but also by a grateful community. Therefore, I ask my colleagues to join me in paying tribute to Ron Cawdrey for his exemplary service to his community and his country.

RECOGNITION OF THE TWENTIETH ANNIVERSARY OF THE WHITEHEAD INSTITUTE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. CAPUANO. Mr. Speaker, twenty years is not a long time as historic institutions go in Cambridge, Massachusetts, but it's an epoch in a rapidly evolving field like biomedicine. In the past 20 years, science has begun to understand diseases, such as cancer and HIV/AIDS, at the molecular level and illuminated the processes that impel human growth and development. It has begun to use the regenerative powers of the body's own stem cells for therapeutic purposes.

The Whitehead Institute in Cambridge, Massachusetts, has been significantly involved in all these advances. Jack Whitehead, a visionary businessman and entrepreneur, made possible its creation. Endowed by a major gift from Mr. Whitehead, and with continuing support and guidance from the Whitehead family, the Whitehead Institute celebrates two decades of remarkable progress and looks forward to a future on the very frontiers of science.

Researchers at Whitehead are among the Nation's best competitors for competitive research dollars. Often, their work pushes the boundaries of established academic disciplines and explores problems that are part chemistry, part biology, part engineering, part computing, not quite ''owned'' or funded by any single field. Yet it is this kind of inquiry that often yields the greatest breakthroughs: the whole may be far greater than the sum of its parts. The Whitehead encourages and participates in imporant collaborations—between disciplines, between institutions, and even between countries.

For the past 20 years, the Institute has developed innovative ideas and methods that have been adopted by the world scientific community. Perhaps the most noteworthy has been an entirely new way to sequence the human genome and uncover the genetic codes that make our bodies what they are. The Center for Genome Research at Whitehead was a principal contributor to the human gene map unveiled two years ago at the White House.

While the Institute's reach is national and global, I want to note and commend its work in Massachusetts. Its distinguished staff finds time for an annual program of activities for high school teachers and students, helping them understand and benefit from their research. Every year, hundreds of local residents attend the Whitehead's science symposium and a regular series of colloquia on issues in science and public policy.

On the occasion of its 20th Anniversary in 2002, Mr. Speaker, I am pleased to commend the generosity of the Whitehead family that created this great research institute and recognize also the many subsequent donors who have sustained it. The faculty and staff of the Whitehead Institute may take credit for many biomedical advances that promise to assuage human suffering and prolong human life. We can look forward with great anticipation to its future discoveries.

TO PROTECT PRIVATE DECISIONS ABOUT MARRIAGE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. STARK. Mr. Speaker, I rise to introduce a resolution ''To Protect Private Decisions About Marriage.'' The decision to marry is one of the most personal and important decisions that many of us will make in our lifetime. When you ask someone to spend the rest of his or her life with you, it should be done out of love, admiration, devotion and respect. Choosing to get married is a truly monumental decision and is usually one of the most memorable moments of our lives.

Because the decision to marry is such a personal one, interference from outside parties is rarely warranted or appreciated. Many Americans turn to their friends, family or religious leaders when making a decision about marriage. Others turn only to their future partner. No one, however, turns to the government. And for good reason. Government interference in decisions about marriage is simply not warranted.

Unfortunately, President Bush does not agree. The Bush Administration has proposed to spend $30 million dollars to promote marriage in this year's welfare reauthorization bill. This misguided policy intrudes on private decision between adults and takes needed funs away from programs that actually help raise poor people out of poverty.

This year, Congress must consider legislation to reauthorize the welfare program. The Temporary Assistance for Needy Families (TANF) program, passed in 1995, helped many citizens find work, but not necessarily work that pays a living wage. As we consider reauthorizing TANF, we have an opportunity to direct our welfare program toward the important goal of lifting the poor out of poverty. The Bush administration, however, would rather push poor people into marriage.

Stable, healthy marriages are very important for raising our children. The very institution of marriage is a cornerstone of our society and is a critical element in creating stable families.

Marriage is not for everyone, though. Some people simply cannot make marriages work, for personal, religious or other reasons. In more tragic cases, marriage is literally not safe because of an abusive spouse. Government involvement in marriage, therefore, is just not appropriate.

The American people agree. According to a recent Pew Research Center study, 79 percent of Americans believe the government should not develop programs to encourage people to marry or remain married. Furthermore, 66 percent of Americans who identify themselves as ''strongly religious'' believe the government should not interfere with decisions about marriage, according to the same poll. The American people clearly do not agree with the President's proposal.

In addition, government interference in promoting or coercing people to marry could have unintended, tragic consequences. According to a joint report by the Departments of Justice and Health and Human Services, 25 percent of women said they have been raped or physically assaulted by their current or former spouse. More alarming still, research shows that 60 percent of women on welfare have suffered from domestic violence. As these statistics confirm, if government were to encourage or coerce someone on welfare to get married, it would not guarantee a healthier or safer family, and it could endanger the lives of mothers and children.

Not only is government involvement in promoting marriage a potentially dangerous endeavor and an unnecessary intrusion of privacy, it also takes money away from programs that really do create more stable and healthy families.

The problems facing poor people on welfare won't be solved by getting married. What families on welfare need is greater access to childcare, healthcare and job training. Evidence shows that an overwhelming obstacle for welfare parents looking for a job is the lack of quality, affordable childcare for their children. Providing better, stable childcare has proven working adults in employment. This applies to healthcare and job training as well. By providing better healthcare and more access to job training, we can equip poor families with the tools they need to provide for their families and have more stable lives. Why should we waste $300 million coercing people to get married when that money could be better spent helping people out of poverty?

The Bush Administration's marriage promotion proposal is misguided, potentially harmful, and not supported by the American people. The resolution that I am introducing today says it is the sense of Congress that government resources not be used to influence, promote, or coerce individuals' private decisions about marriage. I hope my colleagues will join with me in supporting this important resolution and I call on the Bush Administration to reconsider this ill-advised proposal.

HONORING THE PONTIAC NATIONAL ASSOCIATION OF NEGRO BUSINESS AND PROFESSIONAL WOMEN'S CLUB AWARD RECIPIENTS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating the recipients of the annual awards presented by the Pontiac National Association of Negro Business and Professional Women's Club. The awards will be presented at a luncheon on May 4th.

Over the past 37 years the Pontiac Club of the National Association of Negro Business and Professional Women will present the awards to individuals and organizations that have strived to improve the common good of all people. At the ceremony Lillie Nicholas will receive the Sojourner Truth Award, Hobert Maxey will receive the the Frederick Douglass Award, the Honorable Brenda Lawrence, Dr. Sharon L. Blackman, and Patricia L. Guthery will receive the Black Woman Achiever Award. Donald and Patricia Cordell and Alma M. Bradley-Pettress will receive the Community Service Award. The Ombudswoman Award will be presented to Karen Barner.

Mr. Speaker, the Pontiac Club of the National Association of Negro Business and Professional Women has given over $36,000 in scholarships. This has enabled many African American students to pursue further education. I ask the House of Representatives to join me in commending the Club and their members for their contributions to the Pontiac area and their efforts to promote education.

BLOOMFIELD CITIZENS COUNCIL AWARDS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to a number of Pittsburgh residents who will be honored on May 4th with Bloomfield Citizens Council Awards.

Every year, the Bloomfield Citizens Council gives out these awards to recognize members of the community who have improved the quality of life in the Bloomfield neighborhood of Pittsburgh. I would like to take this opportunity to commend the 2002 award winners for their efforts to make Bloomfield a better place to live.

Robert Scullion, Jr. has been selected as the 2002 recipient of the Mary Cercone Outstanding Citizen Award. This award is given to individuals who demonstrate ''an unselfish commitment to others and a deep love for the community of Bloomfield.'' Mr. Scullion, a lifelong Bloomfield resident, has demonstrated his commitment and love in a great number of ways, including his efforts on behalf of organizations like the Blind Outdoor Leisure Organization and the National Alliance for Autistic Research, his volunteer work for the St. Francis Hospital Ministry and the Prison Ministry for Western Penitentiary, and his participation in a number of Bloomfield sports leagues.

A Community Commitment Award will go to Mr. Joseph Covelli, who has served the community through his job as Principal of Elizabeth Seton Elementary School, as well as his work on such annual events as the Halloween parade and the Bloomfield Citizens Council Marathon Festival. Mr. Covelli also coaches a girls' softball team, and he has been very active in church affairs.

The Bloomfield Citizens will present four individuals with its Youth Dedication Award this year. Mrs. Lisa Thompson Gallagher will receive the Youth Dedication Award for coaching softball for the Bloomfield Girls Athletic Association for 15 years. Ms. Marlene Scholze will receive this award for volunteering as a softball coach for nearly 20 years. Mrs. Beverly Helwich was selected to receive a Youth Dedication award for her many years of coaching softball and basketball. She also has volunteered her time to the Immaculate Conception Athletic Association, which sponsors elementary school football. Mrs. Kim Schimmel Spears will receive a Youth Dedication Award for her many years of coaching basketball, softball, tee-ball, and Little League.

The Bloomfield Citizens Council will again present a number of awards for Christmas decorations this year. Mrs. Pat Donatelli Melfi and her sons will receive the Keeping Christ in Christmas Award for the nativity scene they created. Brian and Tresmarie Foulton Scanlon will receive the Most Outstanding and Completely Decorated Home Award this year. They

are repeat award winners, having won this award previously in 1998. Finally, the Most Creative Design Award will be presented to Mrs. Pat and Miss Dana Smith for a decoration scheme that accented many of the architectural features of their home.

In closing, let me just say that all of the individuals receiving 2002 Bloomfield Citizens Council awards have made important contributions to the quality of life in Bloomfield. On behalf of the residents of Bloomfield and the rest of the 14th Congressional District, I thank them for their efforts and congratulate them on their selection as recipients of 2002 Bloomfield Citizens Council awards.

IN MEMORY OF KIMBERLY ''KIM'' ANNE HOLLOWAY

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mrs. NAPOLITANO. Mr. Speaker, I rise today to honor the memory of a young woman, Kimberly ''Kim'' Anne Holloway who unexpectedly passed away on March 2, 2002 due to complications from a kidney infection. I ask my colleagues to join me, together with her family and friends in mourning for her untimely death.

Kim was born on June 10, 1974 in Santa Monica, California to Daniel and Hilda Holloway. Growing up in LaPuente, California, she graduated from William Workman High School and proceeded to Mount San Antonio College. Kim was an honor student and talented athlete who excelled in soccer and track. To help pay for college, she worked as a scheduler at Disneyland in Anaheim. Kim later transferred to California State University at Fullerton, and was looking forward to graduating in June.

Kim loved the simple things in life; literature, music, movies, and like every other teen, fashion. But what endeared Kim to her family and friends was that she was always there when they needed her. Always ready to help out her brother or sisters, or a friend in need.

Mr. Speaker, a person's life is not measured by the length of their stay here on Earth, but rather by the quality of the life they lived. By this measure, Kimberly Anne Holloway is richer than many of us could ever become. She was a dedicated student, a hardworking employee, a loyal friend, and most importantly, a loving daughter.

CALLAWAY GARDENS 50TH ANNIVERSARY

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. COLLINS. Mr. Speaker, on May 21, 2002 one of Georgia's treasures will celebrate its 50th anniversary. Created as a place ''prettier than anything since the Garden of Eden,'' Cason and Virginia Callaway envisioned a verdant preserve of some of the most beautiful flora and fauna in our nation. Today, Callaway Gardens is all of that and so much more.

Featuring the world's largest man-made inland, white-sand beach, a world-class resort, world's largest azalea garden, acclaimed golf, birds of prey program, and a collection of plumleaf azaleas, a plant which the Callaway's rescued from the verge of extinction, Callaway Gardens has been a place of relaxation and beauty for generations of Americans.

Keats once wrote,

''A thing of beauty is a joy for ever:
Its loveliness increases; it will never
Pass into nothingness; but still will keep
A bower quiet for us, and a sleep
Full of sweet dreams, and health, and quiet breathing.''

That is the most appropriate description I have ever heard for Callaway Gardens.

As the family of Cason and Virginia Callaway celebrate the 50th anniversary of their parents' dream, I congratualte them for continuing to make that dream a reality. A friend of farmers, environmentalists, and those who appreciate beauty, the Callaways have crafted a marvel of modern day horticulture and botany in the midst of rural Georgia. I am pleased to represent the people who work at and lead Callaway Gardens, and I am pleased that such a thing of beauty is located in the Third District of the great State of Georgia.

STUDENT CONGRESSIONAL TOWN MEETING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. SANDERS. Mr. Speaker, today, I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this spring at the University of Vermont. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

I respectfully request that the following testimonials be included in the CONGRESSIONAL RECORD.

ON BEHALF OF SAM PARKER, BECCA VAN HORN, AND ELI BRANNON

REGARDING FREE TRADE

(April 8, 2002)

ELI BRANNON: Free trade is a method for countries to trade internationally without having to worry about tariffs or barriers. The first step towards free trade was taken in 1948 with the creation of GAT, the General Agreement Tariffs rate. GAT was formed as a way to provide rules for countries to dismantle trade barriers and organize a system of commercial business. Unfortunately, it did not live up to expectations.

GATT was transformed into the World Trade Organization, or WTO, on January 1, 1995. Before the World Trade Organization was created, North America had already created its own system of trade, the North American Free Trade Agreement, or NAFTA. NAFTA has grown to include Canada, the U.S. and Mexico. Free trade is supposed to help support the countries involved. It does create more jobs, lowers taxes on trade, and makes some Second World Nations like South Korea and Taiwan want to attend trade liberalization. However, the advantages are overshadowed by the numerous disadvantages, including worker exploitation, job loss effects on the agricultural community, and the obvious attempt for corporate profit.

SAM PARKER: NAFTA was originally established to help solve North America's problems, increase of trade surplus, standard of living, and better jobs, among other things. Before NAFTA, the U.S. agricultural trade surplus with Mexico and Canada was $203 million. Since NAFTA was established in 1994, this surplus fell $1.498 million.

What NAFTA does not openly stop our economy's advancement, it has set it far behind. NAFTA promised an increase in jobs for Americans. Not only has this not happened, but more than 350 U.S. workers have lost their jobs. Many of these jobs were given to Mexican workers being paid one-third of what Americans are paid.

Another promise of NAFTA was to boost the agricultural economy. The farming community has been given nothing but false hopes with the promise of more jobs. Farming income has declined and consumer prices have gone up.

Although NAFTA and free trade look appealing on the outside, the effects are devastating to most working-class persons.

BECCA VAN HORN: I pledge allegiance to the flag of the multinational corporations, and to the profit for which they stand, one interlocking directorate under no government, indivisible, with monopoly and cheap labor for all.

This pledge epitomizes the only noticeable progress of the World Trade Organization. Free trade, and therefore NAFTA and the World Trade Organization, which attempts to globalize economies without globalizing human rights, only leads to big corporations exploiting the Third World. While supporting the capitalists, the big corporations who benefit most from free trade, the World Trade Organization advances by exploiting the Third World proletarians, opposing human rights and demands for adequate working conditions.

The World Trade Organization thrives on maintaining the status quo by taking American jobs and giving them to eleven-year-old Indonesian children working in a Nike factory for 83 cents per day. Free trade helps the First World, but leaves the poorest with barely .4 percent of all global trade. That is barbaric. You do not keep the standard of living for America by exploiting one group of people. The Third World has taken an incredible hit.

The World Trade Organization supports groups like the International Monetary Fund, whose only purpose is to loan money to countries in dire situations, and then demand the money back at an incredibly high interest rate. By supporting organizations like the IMF, and only looking at how the rich can flourish, the World Trade Organization is dooming the Third World to never advance economically.

This is not an impossible situation. If free trade focuses on advancing all social classes, it will be beneficial to the First and Third worlds. There would be more American jobs, farmers could prosper, and, although big corporations would lose money, they could begin to cleanse their moral values.

If the Third World is able to focus on trading with each other and the First World on an equal basis, their children could go to school and their economy progress. If an organization like the U.N. helped put that eleven-year-old Indonesian child into a plausible trade, their population would not be doomed to factory work at subsistence wages and no benefits.

Of course, it would be difficult. But free trade attempts to globalize only one aspect of our world, increasing the disparity in every other way. Free trade, and therefore NAFTA and the WTO, globalizes economies, not for the betterment of the world, but for corporations and consumerism, creating a

never-ending spiral of the rich remaining rich and the poor remaining poor.

ON BEHALF OF RUTH BLAKE
REGARDING STRAIGHT TALK VERMONT
(April 8, 2002)

RUTH BLAKE: Straight Talk Vermont is one of the programs run out of the Community Justice Center, and some of the things they are involved in is Arts are Wonderful, a group of high school students getting together and working on art projects and learning different types of art. They have a Team Reaching In, which is like a song-poetry kind of group. They have Art from the Inside Out, which is a group of UVM art majors who are teaching majors, teaching middle schoolers and young students art. And the Teen Expressions, which is what I'm part of. It is a group of high schoolers from around the area, and they get together, and plan different events, and fun things to do, as something else to do besides drinking and drugs and that kind of stuff.

Straight Talk Vermont is the overall thing. They help people at high risk, and it—they just help build and become better. What I'm involved in is the Teen Expressions Dance Company, and they're putting on a dance performance. It is a group of young amateur performers. We are just getting together and choreographing and dancing, performing.

GRIMES TO BE HONORED BY GREATER PITTSTON CHAMBER

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 30, 2002

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the well-deserved recognition that the Greater Pittston Chamber of Commerce will provide to Mr. John F. Grimes, a good friend of mine, at its 80th annual dinner meeting on May 1.

It is with good reason that the Chamber refers to Jack as its ''secret weapon'' for attracting quality businesses to sites in the Pittston area. He was instrumental in the recently announced agreement to bring 1,200 jobs to the area at the new TJ Maxx distribution center to be located in the Vogelbacher Industrial Park. In all, the Chamber credits Jack as being responsible for bringing 4,500 jobs to the Greater Pittston Area since his involvement began with the Chamber.

Jack has deep roots in the community—he was born in Pittston and has lived there all of his life. In 1942, after graduating from St. John the Evangelist High School, Jack began a 21-year career with the Lehigh Valley Railroad. Within just a few years of beginning his career with the railroad, Jack was appointed assistant division engineer and became the youngest person ever to be assigned to that position of responsibility. During his career, Jack earned two professional licenses: surveyor and civil engineer.

Although Jack remained very committed to his job, he has also made community service a major part of his life. He served as the president of the Lions Club of Pittston, and has been a lector and usher at St. Mary's Church. He has also contributed to the city of Pittston by serving as a member, secretary and president of the planning commission over a period of more than 30 years.

Knowing of Jack's commitment to his community, his colleagues called on him to be the executive director of the Pittston Chamber of Commerce. During his tenure, Jack reactivated the Pittston Area Industrial Development Authority as a subsidiary function of the chamber. He has aggressively campaigned to bring new industry to the region, and he has helped publicize Pittston's strongest assets to companies seeking to relocate in the city. Jack Grimes has become a valuable partner with local, county, and State officials who diligently work to revitalize the Greater Pittston area. For all of these reasons, the Friendly Sons of St. Patrick rightly honored Jack as their Man of the Year in 1996.

Mr. Speaker, on behalf of the people of the Greater Pittston area, I extend my deepest appreciation to Jack Grimes for his lifetime of commitment to promoting industrial and business development throughout his community. I am pleased to call to the attention of the House of Representatives his service to the community and the well-deserved tribute he will receive on May 1, and I wish him all the best.

THE MARTIN'S COVE LAND TRANSFER ACT (H.R. 4103) SHOULD BE ADOPTED BY THE CONGRESS

HON. TOM LANTOS

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 30, 2002

Mr. LANTOS. Mr. Speaker, I rise today to express my strong support for H.R. 4103, the Martin's Cove Land Transfer Act, introduced in this House by our distinguished colleague from Utah, Mr. HANSEN, the Chair of the Committee on Resources. The legislation directs the Secretary of the Interior to offer to convey to the Church of Jesus Christ of Latter-day Saints federal lands in the state of Wyoming known as Martin's Cove. The Church would be required to pay the fair market value for acquisition of the land and any improvements.

Generally speaking, Mr. Speaker, I have strongly supported the acquisition of lands by the federal government. During the time I have served in this body, I have introduced and supported a number of bills which have provided for the addition of new lands to the Golden Gate National Recreation Area in California and the acquisition of other lands for preservation and protection by the federal government.

It may appear to be an unusual step that I support this legislation which would provide for the sale of federal lands. The land at Martin's Cove, however, is unique. Clearly the transfer of this parcel of land from the federal government to the Mormon Church makes good sense for all concerned.

Mr. Speaker, this site is a particularly important historical site for Latter-day Saints. At or near Martin's Cove in 1856 some 150 emigrants of the Willies and Martin handcart companies lost their lives in an early fall snowstorm. Those who perished were buried where they died, and many were placed in common graves because of the difficult and trying conditions.

Many members of these two groups had begun their trek to Salt Lake City in Europe, and others joined the group in the eastern United States. They sought a new life in the American West and the freedom to practice their religion. This loss of life was one of the most tragic events in the entire westward migration on the Oregon and Mormon trails in mid-nineteenth century America.

It is obvious that this site holds a special significance for the many descendants of those who survived this ordeal, many of whom are Latter-day Saints. But it is also a holy place as well for other members of the church who give special honor to their pioneer heritage.

Mr. Speaker, the church's interest in acquiring this site is consistent with the federal government's interest in public access and preservation of this location. The church has an interest in preserving this place as an authentic historic site. It has an interest in maintaining relics and evidences of the Mormon, Oregon and Pony Express trails that pass through the area. The church also has an interest in making the area accessible to visitors in a way that will preserve the historic significance of the place. Furthermore, I believe that the church's commitment to this site in care, concern and funds is likely to be much greater than that of the federal government, and as a result the area will be better preserved under Latter-day Saint stewardship than under federal control.

Finally, Mr. Speaker, I do not see this legislation for the transfer of this particular piece of land to be establishing any precedent for the sale or transfer of other federal lands. Clearly this is a unique situation. The Church of Jesus Christ of Latter-day Saints has an interest that is very similar to the federal interest to preserve, protect and provide public access to the site. This land transfer makes eminent sense, but it clearly does not change any federal policies or practices regarding the protection and preservation of public lands.

Mr. Speaker, I commend my colleague from Utah, Mr. HANSEN, for introducing this legislation, and I urge my colleagues to join me in supporting it.

RECOGNITION OF VOLUNTEER SKY MARSHALS

HON. DENNIS MOORE

OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 30, 2002

Mr. MOORE. Mr. Speaker, after the tragic events of September 11th, many dedicated Americans served our nation as volunteer Sky Marshals. I recently received a piece of correspondence from one of my constituents, Bob Dremann, whose son John served as a volunteer Sky Marshal after September 11th. I have included a copy of Mr. Dremann's correspondence, and agree with him that volunteers like his son John deserve Congress's recognition for their service.

Rep. MOORE: My son, John S. Dremann, just completed his detail as a volunteer Sky Marshal. He volunteered shortly after the 9/11 attacks. They were looking for persons who had federal law enforcement training and those who carried a handgun as a part of their jobs. He is now being relieved by persons who were hired and trained to be a Sky Marshal after 9/11. John is now going back to his previous job as an Avation Specialist with the U. S. Customs Service. He flies in a

corporate jet looking for the bad guys, breaking laws off the Florida coast. Volunteers from other agencies also served as volunteer Sky Marshals. They are all returning to their old jobs, but, I feel they deserve our special thanks for the work that they did to protect us. The purpose of this note is to encourage you to create a Congressional recognition program for my son and all of the other brave persons who served as a Sky Marshal volunteer during the recent emergency. I would not rely on the FAA or Customs to do an adequate job of recognizing these persons. Besides, they protected all of us, so wouldn't it be very appropriate for the Congress to come up with a recognition program. Something he could show his grandchildren someday. Thank you for your help on this.

Sincerely,

BOB DREMANN.

PERSONAL EXPLANATION

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. THUNE. Mr. Speaker, on April 24, while fulfilling my responsibilities as a member of Congress and escorting President Bush to South Dakota, I was unable to vote on roll call votes 107 through 110. If I had been present I would have voted NO on roll call vote 107; NO on roll call vote 108; NO on roll call vote 109 and YEA on roll call vote 110. I ask unanimous consent that this, along with a statement, be placed at the appropriate place in the CONGRESSIONAL RECORD.

POEM FOR VIETNAM VETERANS

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. GREEN of Wisconsin. Mr. Speaker, I submit this poem for the RECORD.

WRITTEN AND DEDICATED TO ALL THE VIETNAM VETERANS

(By Boatswains Mate Robert W. Perry)

We were the men sent to Nam
We were there to save the day
And for protecting these people's freedom
We were paid about four bucks a day

We walked through these smelly paddies
It was always so damn hot
My buddies just kept dying
In a land that God forgot

We trudged through the bush with our sixteens
Eating and breathing orange dust
We worked like we were on a chain gang
And always too tired to cuss

All the time them bullets kept coming
It was more than we could stand
Hell folks we weren't convicts
We were defenders for their foreign land

So when this life is over
And there are no more worries to stand
We're gonna do our last parading in the far away
Promised Land

Once there, St. Peter will greet us and he will yell
''Come on in you men from Nam, you've done your stretch in hell.''

Sadly missed by the American people. We will never forget their plight.

HONORING THE GRADUATE CLUB AS THEY CELEBRATE THE 100TH ANNIVERSARY OF THEIR HOME AT 155 ELM STREET

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Ms. DELAURO. Mr. Speaker, it is with great pride that I rise today to extend my sincere congratulations to New Haven, Connecticut's Graduate Club as they celebrate their 100th anniversary at 155 Elm Street. Throughout its history, the Graduate Club has been a social institution in our community—bringing town and gown together for nearly 200 years.

Established in 1892, the Graduate Club was founded to provide a place where faculty and graduates could socialize and work. While there were many clubs, organizations, and public resorts, they were generally dominated by undergraduates. Their first president, Arthur W. Colton, Yale 1890, with a number of other men, held the first meeting in November of 1892 and adopted the name Graduate Club, only because the more common University Club was already being used by undergraduates.

The Graduate Club found its first home at the Anktell House where it remained until the Spring of 1894 when it was forced to seek other quarters due to the expansion of Yale University. It was in their second home on Chapel Street that members signed the Articles of Association. Blending academic and civic interests, membership grew and steadily strengthened the young organization. With the turn of the century membership continued to increase and a mounting waiting list continued to expand. It was evident that the Club had to seek a larger venue.

Closely following the bicentennial celebration of Yale University, the Graduate Club acquired the historic home of Eli W. Blake at 155 Elm Street. Though there was a need for alteration and enlargement of the property, a date was set for the formal laying of the cornerstone: April 26, 1902. The celebration of a centennial anniversary is always a special occasion. It is especially so for the Graduate Club because they are recognizing the anniversary of the establishment of their home. Being able to remain in the same building, particularly during the many phases of revitalization, is a great accomplishment.

What began as a means to distinguish a collegiate generation gap has grown into a popular and respected gathering place. You can often find New Haveners dining in the Club and it is sought out for meetings or social gatherings. It has become a true New Haven landmark. I am honored to rise today to join the New Haven community in congratulating the past and present membership on this wonderful occasion.

IN RECOGNITION OF METHODIST HOSPITAL'S NEW STROKE CENTER

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the Texas Medical Center's Methodist Hospital as it dedicates its new Stroke Center on May 1, 2002, located in Houston, Texas. The dedication will provide the hospital with an opportunity to showcase the comprehensive new facility for the treatment and care of stroke patients.

Founded in 1919, Methodist Hospital, the anchor facility for the Methodist Health Care System, has earned nationwide recognition. Methodist Health Care System is a nonprofit, comprehensive medical service and health care organization. It has expanded the world-renowned clinical and service excellence of its founding entity, Methodist Hospital, through community hospitals, a health plan with multiple products and an acclaimed home health agency. Affiliated with the Texas Conference of the United Methodist Church, Methodist Health Care System strides to treat everyone it serves as a person of sacred worth and value.

As the primary, private, adult teaching hospital for Baylor College of Medicine, Methodist Hospital, directs millions of research dollars into patient care and offers the latest innovations in medical, surgical and diagnostic techniques. For the past eighty years the hospital has established a legacy of medical milestones that continues to attract patients from around the world. Its international physician referral network and affiliations with hospitals that span four continents, including information centers in Guatemala City, Istanbul, and Mexico City, have placed Methodist at the forefront of the world's medical research and education.

As you may know, much has been learned about the causes and prevention of strokes. In an effort to respond to those patients suffering from a stroke, who at one time were thought of as untreatable, Methodist Stroke Center has coordinated a multi-disciplinary rapid response system. This system consists of a highly trained team of experts ranging from neurologists, cardiologists, to rehabilitative specialist. The services provided arc extensive and cover all aspects of stroke treatment. The Stroke Center is one of the many facilities within the Methodist Health Care System that has been nationally recognized by the medical community. In fact, Methodist Hospital was named among the country's top centers for urology, otolaryngology, kidney disease, ophthalmology, and neurology in U.S. News and World Report's 2001 Annual Guide to ''America's Best Hospital.'' Additionally, the hospital is consistently ranked as most preferred in Houston's Biannual Healthpoll Survey and was recognized by Hospitals and Health Networks as one of ''Health Care's 100 Most Wired'' health care facilities. The medical staff includes dozens of physicians listed in The Best Doctors in America.

Mr. Speaker, I congratulate Texas Medical Center's Methodist Hospital for its eighty-three years of excellence and innovation in improving the quality of life and I look forward to the medical advances that will continue to emanate from its exceptional staff.

A TRIBUTE TO SPENCER MARK RITCHIE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise to pay tribute to Spencer Ritchie who is leaving the Hill this week to finish his last semester and pursue his degree at Texas Tech University in Lubbock, Texas, and then maybe even law school. The efforts and energy of Spencer will be missed dearly by all members of my office.

Spencer is a first-rate Southern gentleman with a keen understanding of people, poise and patience; the latter is most needed when juggling numerous tasks while managing the front desk.

He conquered the thankless jobs of being the gatekeeper, all the while supporting my entire staff and office guests. Because of his academic performance and student leadership, Texas Tech selected Spencer to represent the University as a Presidential Intern—and they could not have selected a more well-rounded young man who puts priorities like faith and family first.

Although he's only been with the office for a short time, he's left a lasting impression on many. Numerous constituents and visitors have commented to my staff and me that Spencer has an amazing way with making people feel welcome. Spencer has the unique ability to make every guest feel like family—and after meeting Spencer, they wanted to be Texans too!

His knowledge, insight, guidance and generosity have been inspiring to others. Though Spencer's good graces will be missed in Washington, I know that our loss is most definitely Texas Tech's gain.

He enjoyed a unique and historic experience and one which I hope will serve him well as he continues his education and begins his career. You name it—he's done it. No job is too big or too little for Spencer. He just does it—and he does it enthusiastically with a smile on his face and a laugh for others. He's given Capitol tours in the wake of September 11th. He's welcomed tired tourists from Texas! He's written letters and called constituents. I was proud to have him up front as an ambassador, if you will, for the people of the Third District.

So much of what we do in Congress is done for the next generation, for young people like Spencer. He can be proud that what we have done in this Congress has not only been done for him—but with him.

Like each Member of Congress, he is now a part of this institution. And as of Friday, he will be a part of its history. I wouldn't be surprised if he may even be part of its future, returning some day as a staff member or even a Representative!

Too many Americans do not have a full understanding of how hard the staffs of Members of Congress work, how conscientious they are and how much they care about doing the right thing for their country, regardless of whether they are conservatives or liberals, moderates, Republicans, Democrats or Independents.

Spencer has learned that lesson firsthand. So he will have something that many of his neighbors and friends and relatives will not have had: hands on experience of how the greatest democratic institution in the world works.

He will have the opportunity to go back and tell our fellow citizens that the system works—and that it works well! And that they need to participate, not necessarily run for Congress, but to participate by voting. By speaking out. By writing. By communicating—by involving themselves in the democratic process that makes our great nation a beacon of freedom and liberty!

I wish Spencer luck and look forward to the day when I meet him again—as a proud Texas Tech graduate and SAM JOHNSON office alum!

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. MOORE. Mr. Speaker, I rise in support of Representative CAL DOOLEY's motion to instruct conferees to agree to Senate provisions that would lift a ban on private financing of agricultural sales to Cuba. Unfortunately due to reasons beyond my control, I was not able to vote; had I been able to vote, I would have voted in favor of lifting the ban on private financing of agricultural sales to Cuba.

The Dooley motion to instruct conferees, relating to Sec. 335 of the farm bill and agricultural trade with Cuba, permits only private financing of agricultural sales to Cuba, and maintains the United States ban on government financing. The Dooley provision says that that private enterprise should make lending decisions. The Federal Government should not be in the position of denying private entities the right to finance sales of agricultural goods to Cuba. Under current law, no provision of credit from a United States financial entity of any kind is allowed. United States agricultural exporters must either arrange for credit through an overseas bank, or must insist on cash in advance from the Cuban importer.

Even with these cumbersome restrictions, United States farmers have been able to realize more than $35 million in sales to Cuba within the last 3 months, including Kansas wheat. Cuba has purchased a wide range of American products, including rice, chicken, soybeans, wheat, corn, and vegetable oil.

The Cuba Policy Foundation recently released a study showing the embargo of Cuba is costing United States farmers up to $1.24 billion in annual exports to Cuba, and another $3.6 billion in agricultural related output. Moreover, the American public supports agricultural trade with Cuba. In a 2001 poll, conducted for the Cuba Policy Foundation, 71.3 percent of Americans agreed that American companies should be allowed to sell food to Cuba. My State of Kansas' potential income from Cuban food exports is predicted at $38,770,000 per year including the creation of 1,098 new jobs.

Today, the 40-plus year-old embargo against Cuba has failed to achieve the policy objectives of the United States. The cold war has been history for well over a decade; why continue to make the Cuban people and American farmers suffer for a war we won on so many other fronts?

TRIBUTE TO CHAPLAIN JAMES E. WALKER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a man of great principle and faith, U.S. Army Chaplain James E. Walker of Columbia, South Carolina. This is a man whose path I crossed 30 years ago to the month. He was a bright, young student at C.A. Johnson High School in Columbia then, and was selected to introduce me as the speaker of their Honors and Awards Day, when I was in Governor John West's office. The event was a memorable one for me, but I had no idea that my comments at the time would touch the soul of young James Walker. To this day, he still has the program from the event and remembers my urging to set goals and make plans to achieve them. These sentiments I have expressed countless times over the years when visiting school groups. Yet this is one of few opportunities I have had to join in celebrating with a young man who took my words to heart and achieved amazing things as an adult.

On Thursday, May 2, 2002, Chaplain Walker receives the promotion to Army Colonel at the U.S. Army Chaplain Center and School at Fort Jackson in Columbia, South Carolina. On that day his story will come full circle to the place where it began. In his hometown, Chaplain Walker will officially achieve this well-deserved ranking as a reflection of his hard work and dedication.

On September 11, 2001, 1 was on Capitol Hill watching the smoke rise from the Pentagon in disbelief. However, Chaplain Walker had no time that day to stop and watch the tragedies unfold before his eyes. He, too, was in the Washington area. He was at Ground Zero—the Pentagon—ministering to those who were wounded and in shock. In the subsequent weeks, Chaplain Walker served tirelessly at the Pentagon's makeshift triage station for three weeks to ''care for the wounded, minister to the living and honor the dead.'' For this service, our nation owes him a debt of gratitude.

This tremendous strength in the face of adversity is a hallmark of Chaplain Walker's career. He is one of 138 African-American Army Chaplains among the 2,000 Chaplains serving the Army worldwide. His military service has taken him to Desert Storm where he ministered to troops in Saudi Arabia, Iraq and Kuwait. For his skilled pastoral work in trying times, he was awarded the Saudi-Kuwait Liberation Medal. Chaplain Walker has received numerous other commendations including the Bronze Star, Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, National Defense Service Medal, Southeast Asia Service Medal, and the Army Service Ribbon.

This outstanding service record was built on the strong foundation he received growing up in Columbia. He graduated C.A. Johnson High School and earned a Bachelor of Science from my alma mater, South Carolina State College. He served seven years in the Army as a Signal Officer before becoming a chaplain. He received his Master of Divinity and

Doctor of Ministry from Andover Newton Theological School in Newton Center, Massachusetts. His thirst for knowledge also led him to attain a Master of Business Administration from Western New England College and Master of Arts degrees from Boston College both in Massachusetts.

Mr. Speaker, although my duties here in Washington prevent me from sharing this memorable day with in person, I ask that you and my colleagues join me in congratulating Chaplain James E. Walker for his outstanding service and well-deserved promotion. He is a fine example of what can be achieved in life with a strong desire to learn and a willingness to serve others. It is fitting that he receives this promotion while in his hometown. I wish him good luck Godspeed as he returns to service at the Office of the Chief of Chaplains in Arlington, Virginia.

MOURNING THE LOSS OF A GREAT MAN

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. LATOURETTE. Mr. Speaker, on April 11, one of our area's most beloved citizens passed away—former Congressman J. William Stanton, who served in the House of Representatives from 1965 to 1982. I am honored to have known Bill Stanton, whom I considered a dear friend and mentor. In fact, I know that I would not be a Congressman today had it not been for his unparalleled guidance and support.

Bill Stanton was born in Painesville in 1924, and was a longtime resident of my hometown, Madison. Bill was a graduate of Culver Military Academy, and was the institution's Man of the Year in 1994. He also was a graduate of Georgetown's School of Foreign Service. In addition, he was a proud veteran and was the Army's youngest commanding officer in the Pacific Theater during World War II—attaining the rank of captain at the age of 21. He returned from war with the Bronze Star with Oak Leaf Cluster, the Purple Star, and other decorations.

When Bill came home, he ran a Lincoln-Mercury dealership, making him the youngest franchised dealer in Ford history in 1948 at the age of 24. He also had the distinction of giving legendary football coach Don Shula his very first job—selling cars. Don Shula and Bill Stanton remained lifelong friends.

Bill got his political start in Lake County, and served as a Lake County Commissioner for 8 years starting in 1956. He often called those years the ''happiest time of his political career.'' He then proudly represented Madison and the former 11th Congressional District in Congress for 18 years, from 1964 to 1982. He served his district with great honor and distinction, and was an amazingly popular Congressman. In one election, he lost only five precincts in his entire district.

Of course, it wasn't always such smooth sailing. When Bill was running for re-election after serving one term in Congress, he was campaigning down in Ravenna in Portage County, which then was part of the 11th district. Bill met an older woman at an event and introduced himself, saying: ''My name's Bill Stanton and I hope you'll vote for me in Congress.''

The woman looked at him and replied, ''I certainly will, young man. We've gotta get rid of that guy we've got there now.''

When Bill retired from Congress, he devoted his time to causes that were important to him. He became an advisor to the World Bank, a post he held until 1993, and he also served on the board of Bread for the World, an organization devoted to easing world hunger. In addition, he was on the Board of Regents of Catholic University.

Bill's passing was unexpected and certainly too soon. Just a few weeks before his death, he returned home to attend an event where I was roasted to benefit the United Way. I was thrilled to see Bill, and was so honored that he'd traveled so far to be with me on that special night.

I also am pleased that a few years ago we were able to dedicate the Old Camp Isaac Jogues in Madison and rename it in Bill's honor. The Madison park was always loved by Bill Stanton, and his family had ties to it. Bill's father, Frank built the chapel that still stands at the park.

Bill Stanton was a great man and a great friend, and I miss him greatly. My thoughts and prayers are with his wife, Peggy Smeeton Stanton, his daughter, Kelly Fordon of Grosse Pointe, MI, and his three grandchildren—Jack, Charles, and Megan.

IN RECOGNITION OF SEXUAL ASSAULT AWARENESS MONTH

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Ms. PELOSI. Mr. Speaker, I commend Congresswoman CAROLYN KILPATRICK and Congresswoman DEBORAH PRYCE for their leadership and thank them for organizing today's statements in recognition of Sexual Assault Awareness Month.

An estimated 302,100 women and 92,700 men are forcibly raped each year in the United States. There were 9,443 reported forcible rapes in California in 1999 alone. This number is undoubtedly low, since a majority of rapes and sexual assaults are never reported. Sexual assault is a problem of sweeping proportions across the nation.

One way that we can combat sexual assault is by raising public awareness, both here in Congress and in our local communities. California officially recognized Sexual Assault Awareness Month by resolution in 1987.

Sexual assault is a problem for us all. As legislators, we are responsible for letting women and families know that we take the problem of sexual assault seriously. The Violence Against Women Act provides funding to battered women's shelters, rape crisis centers, a hotline for domestic violence community programs on domestic violence, and rape education and prevention. With the reauthorization of the Violence Against Women Act in 2000, Congress reaffirmed this nation's commitment to ending domestic and sexual violence.

Full funding of the Violence Against Women Act will allow communities across the country to carry this legacy forward. Unfortunately, President Bush's budget falls $111.3 million short of fully funding critically important programs such as transitional housing for victims of domestic violence, shelter services, and rape education and prevention. As we recognize Sexual Assault Awareness Month, I urge my colleagues to dedicate the necessary resources to fulfill the mission of the Violence Against Women Act.

HONORING THE 50TH ANNIVERSARY OF THE ESTABLISHMENT OF ALBERTS PLASTERING

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. GREEN of Wisconsin. Mr. Speaker, I offer these remarks before the House today to honor the 50-year anniversary of the establishment of Alberts Plastering, Inc., a fine family business in my district.

When Morris ''John'' Alberts founded Alberts Plastering 50 years ago in 1952, he set a high standard for his craft that is still maintained by Alberts Plastering today. Over the years, he and his son John worked very hard to build not just their business, but also our communities and our state.

Morris ''John'' Alberts passed away 12 years ago, but his legacy is now carried forward by John Alberts and a dedicated and hardworking group of over 100 professionals.

A business is only as strong as its people and its ideals. Alberts Plastering has lasted 50 years because it is made up of great folks and is built on a foundation of solid values. I'm confident those people and ideals are strong enough to carry it forward for another 50 years and beyond.

WORKERS MEMORIAL DAY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 2002

Mr. MOORE. Mr. Speaker, on Sunday, April 28, 2002, American workers across the nation recognized the significant contributions of American labor to the founding and growth of our country. Every year, Workers Memorial Day gives working men and women an opportunity to acknowledge labor's great achievements and promote much needed improvements in working conditions.

While decades of hard work and struggle by workers and their unions have resulted in vast improvements in working conditions, the toll of workplace injuries, illnesses and deaths remains unacceptably high. According to recent figures from the Bureau of Labor Statistics, 5,915 workers died from on-the-job injuries in 2000, while an additional 50,000 to 60,000 workers die each year from occupation-related injuries and diseases. Another 6 million workers sustain serious injuries every year while at work.

Workers Memorial Day is held on April 28 to commemorate the creation of the Occupational Safety and Health Administration [OSHA], which has dedicated itself to reducing workplace injuries since its inception in 1971. Over the past three decades, workplace fatalities have been cut in half and occupational injury and illness rates have declined 40%. At

the same time, U.S. employment has doubled from 56 million workers at 3.5 million worksites to 6 million workers at approximately 7 million sites.

I believe our country must do even more to reduce workplace injuries and illnesses. Congress can and should dedicate itself to achieving these goals by passing common sense and long overdue ergonomics legislation. Unfortunately, last year Congress passed a Disapproval Resolution that overturned the Clinton Administration's sensible ergonomics rule. President Bush signed this resolution into law in March 2001, and the Bush Administration recently announced its plans to push for voluntary ergonomics standards.

The ergonomics guidelines developed during the Clinton Administration were developed after years of studies and analyses, and were based upon sound science. I disapprove of Congress's elimination of the important rule designed to identify and remove hazards to workers' health, and will continue to urge my colleagues to pass legislation requiring the Department of Labor to draft a meaningful ergonomics standard.

As we remember the millions of workers who have sustained injuries and, in many cases, died as a result of workplace hazards, members of Congress and working Americans must continue to fight for stronger safety and health protections for workers everywhere. Working men and women deserve these protections, and have certainly earned them. While we celebrate Workers Memorial Day once a year, we must dedicate ourselves to improving safety and health in every American workplace on a daily basis.

CORPORATE AND AUDITING ACCOUNTABILITY, RESPONSIBILITY, AND TRANSPARENCY ACT OF 2002

SPEECH OF

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3763) to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws, and for other purposes:

Mr. THUNE. Mr. Chairman, there is little debate and even less doubt that our economic system is the best in the world. However, we learned last year that companies have the capacity to violate laws, deceive investors, and through those actions defraud the public. This is not a fault of our economic system. Instead it is the result of action of a few dishonest and irresponsible few, and it underscores our nation's reliance on, and the value of, the rule of law throughout our society.

I believe that because of these actions Congress must restore confidence in our economic system by recognizing and acting on the excesses of those few bad actors. Today, Mr. Chairman, Congress will act, in the wake of the Enron collapse, to pass legislation designed to protect investors and employees from what happened at Enron.

First, this legislation acts to restore confidence in accounting practices. It is important that we have a strong and healthy accounting industry to keep companies financially sound and to provide investors with solid information. This bill creates a new, public regulatory board with strong oversight authority that will be under the direct authority of the Security and Exchange Commission (SEC) and will have to certify any accountant wishing to audit the financial statements required from public issuers of stock.

Second, the bill increases corporate disclosure and responsibility. Investors rely on information to make their financial decisions. This legislation will increase the amount of real-time information made available to American investors, employees and the general public. For example, off-balance sheet transactions, like the special entities made famous by Enron, would have to be fully disclosed, and companies would be required to disclose information about their financial health more quickly and in plain English. Lastly, it would make it unlawful for anyone associated with a company to interfere with the auditing process.

It is also vital for workers to be able to maintain a safe and secure retirement. For that reason, the bill helps to protect 401 (k) retirement plans by prohibiting corporate executives from making insider stock sales when other employees can't.

Lastly, this legislation strengthens the SEC by increasing its budget and allowing it to perform additional tasks and oversight duties. The SEC will also be required to conduct regular and thorough reviews of the largest and most widely-traded companies.

We've seen the excesses that dishonesty in our economic system can bring. Today, Congress will act to make sure that dishonest businessmen can't game our economic system, deceive investors and ruin the lives of their employees. This bill does that, which is why I support this common-sense legislation.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3515–S3579

Measures Introduced: Thirty-six bills and four resolutions were introduced, as follows: S. 2395–2430, S. Res. 255–257, and S. Con. Res. 103. **Pages S3559–60**

Measures Passed:

Minority Party Appointments: Senate agreed to S. Res. 256, making Minority party appointments for the Special Committee on Aging for the 107th Congress. **Page S3576**

Ron de Lugo Federal Building: Senate passed H.R. 495, to designate the Federal building located in Charlotte Amalie, St. Thomas, United States Virgin Islands, as the ''Ron de Lugo Federal Building'', clearing the measure for the President. **Page S3576**

Donald J. Pease Federal Building: Senate passed H.R. 819, to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the ''Donald J. Pease Federal Building'', clearing the measure for the President. **Page S3576**

William L. Beatty Federal Building/U.S. Courthouse: Senate passed H.R. 3093, to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the ''William L. Beatty Federal Building and United States Courthouse'', clearing the measure for the President. **Page S3576**

Mike Mansfield Federal Building/U.S. Courthouse: Senate passed H.R. 3282, to designate the Federal building and United States courthouse located at 400 North Main Street in Butte, Montana, as the ''Mike Mansfield Federal Building and United States Courthouse'', clearing the measure for the President. **Page S3576**

James L. Watson U.S. Courthouse: Senate passed S. 1721, to designate the building located at 1 Federal Plaza in New York, New York, as the ''James L. Watson United States Courthouse'', after agreeing to committee amendments. **Page S3577**

National Safe Kids Week: Senate agreed to S. Con. Res. 102, proclaiming the week of May 4 through May 11, 2002, as ''National Safe Kids Week''. **Page S3577**

Children's Memorial Flag Day: Senate agreed to S. Res. 109, designating December 8, 2002, as ''National Children's Memorial Day'' and April 26, 2002, as ''Children's Memorial Flag Day'', after agreeing to a committee amendment. **Page S3577**

National Occupational Safety and Health Week: Senate agreed to S. Res. 245, designating the week of May 5 through May 11, 2002, as ''National Occupational Safety and Health Week''. **Page S3577**

Expressing Gratitude to Suzanne D. Pearson: Senate agreed to S. Res. 257, expressing the gratitude of the United States Senate for the service of Suzanne D. Pearson to the Office of Legislative Counsel. **Page S3577**

Andean Trade Preference Expansion Act: Senate continued consideration of the motion to proceed to consideration of H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act. **Pages S3515–22, S3530–55**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at 9:30 a.m., on Wednesday, May 1, 2002, with a vote to occur on adoption of the motion to proceed. **Page S3578**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 98 yeas (Vote No. Ex. 98), Michael M. Baylson, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania. **Pages S3522–30, S3578**

By unanimous vote of 98 yeas (Vote No. Ex. 99), Cynthia M. Rufe, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania. **Pages S3522–30, S3578**

16 Air Force nominations in the rank of general.

2 Marine Corps nominations in the rank of general.

3 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S3575–76**

Messages From the House: **Page S3558**

Measures Held at Desk: Page S3558
Executive Communications: Page S3559
Additional Cosponsors: Pages S3560–61
Statements on Introduced Bills/Resolutions: Paged S3559–74
Additional Statements: Pages S3555–58
Amendments Submitted: Page S3574
Notices of Hearings/Meetings: Page S3574
Authority for Committees to Meet: Pages S3574–75
Privilege of the Floor: Page S3575

Record Votes: Two record votes were taken today. (Total—99) Pages S3529–30

Adjournment: Senate met at 10 a.m., and adjourned at 7:12 p.m., until 9:30 a.m., on Wednesday, May 1, 2002.

Committee Meetings

(Committees not listed did not meet)

HOMELAND SECURITY SUPPLEMENTAL

Committee on Appropriations: Committee held hearings to examine homeland security funding issues and proposed legislation making supplemental appropriations for homeland security and the war on terrorism for the fiscal year ending September 30, 2002, receiving testimony from Paul H. O'Neill, Secretary of the Treasury; Colin Powell, Secretary of State; and Ann M. Veneman, Secretary of Agriculture.

Hearings continue on Thursday, May 2.

ALZHEIMER'S DISEASE

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine issues surrounding Alzheimer's disease, including the efforts to increase funding for research and services in order to better understand, treat, and prevent the disease, after receiving testimony from Richard J. Hodes, Director, National Institute of Aging, National Institutes of Health, Department of Health and Human Services; and Marilyn Albert, Harvard Medical School, Boston, Massachusetts, Orien Reid, Laverock, Pennsylvania, David Hyde Pierce, Los Angeles, California, and Carol and Gene Gratz, New Hampton, Iowa, all on behalf of the Alzheimer's Association.

GASOLINES PRICES

Committee on Governmental Affairs: Permanent Subcommittee on Investigations held hearings to examine how gasoline prices are set in the United States, focusing on price volatility, mergers and acquisitions, cost of crude oil, and gasoline production and delivery, receiving testimony from James S. Carter, ExxonMobil Fuels Marketing Company, Fairfax, Virginia; Gary R. Heminger, Marathon Ashland Petroleum LLC, Findlay, Ohio; Ross J. Pillari, British Petroleum, Warrenville, Illinois; David C. Reeves, ChevronTexaco Corporation, San Ramon, California; and Rob Routs, Shell Oil Products U.S., Houston, Texas.

Hearings continue on Thursday, May 2.

NOMINATION

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings on the nomination of Elias A. Zerhouni, Maryland, to be Director of the National Institutes of Health, Department of Health and Human Services, after the nominee, who was introduced by Senators Mikulski and Sarbanes, testified and answered questions in his own behalf.

HOSPITAL GROUP PURCHASING

Committee on the Judiciary: Subcommittee on Antitrust, Competition, and Business and Consumer Rights held hearings to examine the competitive effects of hospital group purchasing on smaller and competitive medical equipment manufacturers and pharmaceutical companies seeking to sell their devices, equipment, drugs and supplies to hospitals, and the subsequent cost effects passed on to the consumer, receiving testimony from Trisha Barrett, University of California, San Francisco Medical Center, San Francisco; Lynn R. Detlor, GPO Concepts, Inc., and Richard A. Norling, Premier, Inc., both of San Diego, California; Mitchell Goldstein, Citrus Valley Medical Center, West Covina, California; Joe E. Kiani, Masimo Corporation, Irvine, California; Mark McKenna, Novation, Irving, Texas; and Elizabeth A. Weatherman, Warburg Pincus, New York, New York, on behalf of the National Venture Capital Association.

Hearings recessed subject to call.

NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT

Committee on Small Business and Entrepreneurship/Committee on Indian Affairs: Committees concluded joint hearings on S. 2335, to establish the Office of Native American Affairs within the Small Business Administration, and to create the Native American Small Business Development Program; and H.R. 2538, to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Alaska Natives, and Native Hawaiians, after receiving testimony from Senator Johnson; Representative Udall; Kaaren Johnson Street, Associate Deputy Administrator for Entrepreneurial Development, Small Business Administration; Gerald Danforth, Oneida

Tribe of Indians of Wisconsin, Oneida; Pete Homer, Jr., National Indian Business Association, Washington, D.C.; Derek J. Dorr, DECO, Inc., Onimia, Minnesota; Monica Drapeaux, The Lakota Fund, Kyle, South Dakota; and Tom Hampson, ONABEN: A Native American Business Network, Tigard, Oregon.

House of Representatives

Chamber Action

Measures Introduced: 6 public bills, H.R. 4618–4624; 1 private bill, H.R. 4625; and 3 resolutions, H. Con. Res. 391–392 and H. Res. 401, were introduced. **Pages H1768–69**

Reports Filed: Reports were filed as follows:

H.R. 2051, to provide for the establishment of regional plant genome and gene expression research and development centers, amended (H. Rept. 107–422); and

H. Res. 402, providing for the consideration of H.R. 2871, to reauthorize the Export-Import Bank of the United States (H. Rept. 107–423). **Page H1768**

Recess: The House recessed at 12:44 p.m. and reconvened at 2 p.m. **Page H1690**

Suspensions: the House agreed to suspend the rules and pass the following measures:

Notification and Federal Employee Antidiscrimination and Retaliation Act: Agreed to the Senate amendments to H.R. 169, to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws—clearing the measure for the President (agreed to by a yea-and-nay vote of 412 yeas with none voting "nay," Roll No. 117); **Pages H1691–96, H1745**

Yosemite National Park Educational Facilities Improvement: H.R. 3421, amended, to provide adequate school facilities within Yosemite National Park; **Pages H1696–97**

Gunn McKay, Utah Nature Preserve: H.R. 3909, to designate certain Federal lands in the State of Utah as the Gunn McKay Nature Preserve; **Pages H1697–98**

Historic Significance of Virginia Aquia Sandstone Quarries: H. Res. 261, recognizing the historical significance of the Aquia sandstone quarries of Government Island in Stafford County, Virginia, for their contributions to the construction of the Capital of the United States; **Pages H1698–99**

Virginia Key Beach, Florida Resource Study: H.R. 2109, amended, to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System. Agreed to amend the title so as to read: "A bill to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach Park in Biscayne Bay, Florida, for possible inclusion in the National Park System." **Pages H1699–S1701**

Muscle Shoals in Northwest Alabama National Heritage Area Study: H.R. 2628, to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Muscle Shoals National Heritage Area in Alabama; **Page H1701**

Strengthening Science at the Environmental Protection Agency: H.R. 64, amended, to provide for the establishment of the position of Deputy Administrator for Science and Technology of the Environmental Protection Agency, **Pages H1702–03**

Export-Import Bank Extension: S. 2248, a bill to extend the authority of the Export-Import Bank until May 31, 2002 (agreed to by a yea-and-nay vote of 318 yeas to 92 nays, Roll No. 118)—clearing the measure for the President; **Pages H1705–10, H1746**

National Peace Officers' Memorial Service: H. Con. Res. 347, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; **Pages H1710–11**

National Book Festival: H. Con. Res. 348, authorizing the use of the Capitol Grounds for the National Book Festival; **Pages H1711–12**

District of Columbia Special Olympics Law Enforcement Torch Run: H. Con. Res. 354, authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; **Pages H1712–13**

Greater Washington Soap Box Derby: H. Con. Res. 356, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; **Page H1713**

National Better Hearing and Speech Month: H. Con. Res. 358, supporting the goals and ideals of National Better Hearing and Speech Month; **Pages H1713–14**

National Minority Health and Health Disparities Month: H. Con. Res. 388, expressing the sense of the Congress that there should be established a National Minority Health and Health Disparities Month; **Pages H1716–22**

Hematological Cancer Research Investment and Education Act: S. 1094, to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer—clearing the measure for the President; **Pages H1722–25**

National Charter Schools Week: H. Con. Res. 386, supporting a National Charter Schools Week (agreed to by a yea-and-nay vote of 404 yeas to 3 nays with 2 voting "present," Roll No. 119); **Pages H1725–29, H1746–47**

Education Sciences Reform: H.R. 3801, amended, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination. The Clerk was authorized to make technical changes in the engrossment of the bill; **Pages H1729–39, H1741–43**

Honoring the Minnesota Golden Gophers and Minnesota-Duluth Bulldogs: H. Con. Res. 391, honoring the University of Minnesota Golden Gophers men's hockey and wrestling teams and the University of Minnesota-Duluth Bulldogs women's hockey team for winning the 2002 National Collegiate Athletic Association championships; and **Pages H1743–45**

Honoring the Connecticut Huskies: H. Res. 401, congratulating the University of Connecticut Huskies for winning the 2002 National Collegiate Athletic Association Division I women's basketball championship. **Page H1747**

Intention To Offer Motion To Instruct Conferees—DOJ Authorization Act: Representative DeGette announced her intention to offer a motion to instruct conferees on H.R. 2215, 21st Century Department of Justice Appropriations Authorization Act, to agree to title IV of the Senate amendment (establishing A Violence Against Women Office); and insist upon section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 402 of the House bill (establishing duties and functions of the director of the Violence Against Women Office). **Page H1747**

Intention To Offer Motions To Instruct Conferees—Agricultural Act of 2001: Representative Ackerman announced his intention to offer a motion to instruct conferees on H.R. 2646, Agricultural Act of 2001 to insist on the provisions contained in section 945 of the House bill, relating to unlawful stockyard practices involving nonambulatory livestock. Representative Blumenauer announced his intention to offer a motion to instruct conferees to leave intact provisions of the House and Senate bills, specifically those which: amend section 26 of the Animal Welfare Act (7 U.S.C. 2156), subsection 9e), to strike "$5,000" and insert "$15,000"; and to strike "1 year" and insert "2 years"; and provide that the amendments to Section 26 of the Animal Welfare Act take effect 30 days after the date of the enactment of this Act. **Pages H1701, H1747**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H1745, H1746, and H1746–47. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:30 p.m.

Committee Meetings

LABOR, HHS AND EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education continued appropriation hearings. Testimony was heard from public witnesses.

Hearings continue May 2.

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Armed Services: Subcommittee on Military Procurement approved for full Committee action, as amended, H.R. 4546, National Defense Authorization Act for Fiscal Year 2003.

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Armed Services: Subcommittee on Military Research and Development approved for full Committee action H.R. 4546, National Defense Authorization Act for Fiscal Year 2003.

EXPORT-IMPORT BANK REAUTHORIZATION ACT

Committee on Rules: Granted, by voice vote, a structured rule on H.R. 2871, Export-Import Bank Reauthorization Act of 2001, providing one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the bill, as amended. The rule makes in order only those amendments

printed in the report of the Committee on Rules accompanying the resolution. The rule provides that the amendments printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. The rule provides one motion to recommit with or without instructions. The rule provides that after passage of H.R. 2871, it shall be in order to take from the Speaker's table S. 1372, consider it in the House, and move to strike all after the enacting clause and insert the text of H.R. 2871 as passed by the House. The rule waives all points of order against consideration of the Senate bill and the motion to strike and insert. Finally, the rule provides that if the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment and request a conference. Testimony was heard from Chairman Oxley and Representatives Bereuter and Sanders.

TAX INCENTIVES—LAND USE, CONSERVATION, AND PRESERVATION

Committee on Ways and Means: Subcommittee on Select Revenue Measures held a hearing on Tax Incentives for Land Use, Conservation, and Preservation. Testimony was heard from Representatives Johnson of Connecticut, Dunn, Portman, Weller, Blumenauer and Isakson; Pam Olson, Acting Assistant Secretary, Tax Policy, Department of the Treasury; and public witnesses.

SPECIAL PROGRAMS; COMMITTEE BUSINESS

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Special Programs. Testimony was heard from departmental witnesses.

The Committee also met in executive session to consider pending Committee business.

Joint Meetings

FEDERAL SCHOOL LUNCH SAFETY

Joint Hearing: Senate Committee on Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia concluded oversight hearings with the House Committee on Government Reform Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations to examine the adequacy and efficiency of the National School Program and how managerial and organization deficiencies at the Federal level may be affecting the health of school children, after receiving testimony from Representative DeLauro; Lawrence J. Dyckman, Director, Natural Resources and Environment, General Accounting Office; Lester M. Crawford, Deputy Commissioner, Food and Drug Administration, Department of Health and Human Services; Elsa Murano, Under Secretary of Agriculture for Food Safety; Caroline Smith DeWaal, Center for Science in the Public Interest, and John Bode, National Food Processors Association, both of Washington, D.C.; Susan Doneth, Marshall, Michigan, and Cheryl Roberts, Comer, Georgia, both on behalf of Safe Tables Our Priority; and Mary Klatko, Howard County Public School System, Ellicott City, Maryland, on behalf of the American School Food Service Association.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 1, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 2003 for the National Aeronautics and Space Administration, 9:30 a.m., SD–138.

Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 2003 for the United States Navy, 10 a.m., SD–192.

Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 2003 for the Office of the Senate Sergeant at Arms and U.S. Capitol Police, 10:30 a.m., SD–124.

Committee on Banking, Housing, and Urban Affairs: to hold oversight hearings to examine the Treasury Department's report to Congress on International Economic and Exchange Rate Policy, 9:30 a.m., SD–538.

Subcommittee on Housing and Transportation, to hold oversight hearings to examine proposed legislation authorizing funds for the Temporary Assistance for Needy Families and Federal Housing Policy, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings on the President's proposed budget request for fiscal year 2003 for the National Oceanic & Atmospheric Administration, 9:30 a.m., SR–253.

Committee on Foreign Relations: to hold hearings to examine the future of the North Atlantic Treaty Organization, 10:15 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: business meeting to consider the nomination of Elias Zerhouni, to be Director of the National Institutes of Health, Department of Health and Human Services (pending receipt by the Senate), 9:30 a.m., SD–430.

Select Committee on Intelligence: to hold closed hearings on pending intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Labor, Health and Human Services, and Education, on Bioterrorism, 10:15 a.m., and on Agency for Healthcare Research and Quality, 11:15 a.m., 2358 Rayburn.

Committee on Armed Services, to mark up the following bills: H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003; and H.R. 4547, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2003, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, to mark up H.R. 4092, Working Toward Independence Act of 2002, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing entitled "Accomplishments of the Clean Air Act, as amended by the Clean Air Act Amendments of 1990," 10 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing titled "Oversight and Management of the Government Purchase Card Program: Reviewing Its Weaknesses and Identifying Solutions," 10 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled "Corporate Accounting Practices: Is There a Credibility GAAP?" 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on National Security, Veterans' Affairs and International Relations, hearing on Right Sizing: U.S. Presence Abroad, 10 a.m., 2154 Rayburn.

Committee on House Administration, hearing on E-Congress? Using Technology to Conduct Congressional Operations in Emergency Situations, 10 a.m., 1310 Longworth.

Committee on International Relations, Subcommittee on Europe, hearing on NATO Enlargement: A View from the Candidate Countries, 1 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on H.R. 4561, Federal Agency Protection of Privacy Act, 10 a.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism and Homeland Security, oversight hearing on "Enhancing Child Protection Laws After the April 16, 2002 Supreme Court Decision, *Ashcroft* v. *Free Speech Coalition*," 2 p.m., 2141 Rayburn.

Committee on Resources, oversight hearing on the Future of the United States Forest Service, 10 a.m., 1334 Longworth.

Committee on Rules, to consider H.R. 3994, Afghanistan Freedom Support Act of 2002, 2 p.m., H–313 Capitol.

Committee on Science, hearing on the Investigation of the World Trade Center Collapse: Findings, Recommendations and Next Steps, 12 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, to consider H.R. 3694, Highway Funding Restoration Act, 11:30 a.m., 2167 Rayburn.

Subcommittee on Highways and Transit, hearing on Major Project Management: Solutions for Major Success, 2 p.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on H.R. 3673, Recreational Waters Protection Act, 9:30 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, to mark up the following bills: H.R. 3253, National Medical Emergency Preparedness Act of 2001; and H.R. 3254, Medical Education for National Defense in the 21st Century Act, 1:30 p.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, on Global Hot Spots, 1 p.m., and, executive, hearing on General Defense Intelligence Program Budget, 2 p.m., H–405 Capitol.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, May 1

Senate Chamber

Program for Wednesday: Senate will continue consideration of the motion to proceed to consideration of H.R. 3009, Andean Trade Preference Expansion Act, with a vote to occur on adoption of the motion to proceed

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, May 1

House Chamber

Program for Wednesday: Consideration of H.R. 2871, Export-Import Bank Reauthorization Act (structured rule, one hour of debate);

Consideration of H.R. 2604, authorization of United States participation and policies regarding the International Development Funds (suspension); and

Consideration of DeGette Motion to Instruct Conferees on H.R. 2215, 21st Century Department of Justice Appropriations Authorization Act.

Extensions of Remarks, as inserted in this issue

HOUSE

Bentsen, Ken, Tex., E667
Capuano, Michael E., Mass., E663
Clyburn, James E., S.C., E668
Collins, Mac, Ga., E665
Coyne, William J., Pa., E663, E664
DeLauro, Rosa L., Conn., E667
Dooley, Calvin M., Calif., E662
Doolittle, John T., Calif., E662
Green, Mark, Wisc., E667, E669
Hunter, Duncan, Calif., E661
Johnson, Sam, Tex., E668
Kanjorski, Paul E., Pa., E666
Kildee, Dale E., Mich., E663, E664
Kleczka, Gerald D., Wisc., E662
Lantos, Tom, Calif., E666
LaTourette, Steve C., Ohio, E669
Moore, Dennis, Kansas, E666, E668, E669
Napolitano, Grace F., Calif., E663, E665
Oxley, Michael G., Ohio, E662
Pelosi, Nancy, Calif., E669
Sanders, Bernard, Vt., E665
Shuster, Bill, Pa., E661
Stark, Fortney Pete, Calif., E664
Thune, John R., S.D., E667, E670
Underwood, Robert A., Guam, E661

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